



City of Miami Gardens City Council Agenda January 22, 2020 at 7:00 PM

City Council:

Mayor Oliver Gilbert
Vice Mayor Rodney Harris
Councilman Erhabor Ighodaro, Ph.D.
Councilwoman Lillie Q. Odom
Councilman Reggie Leon
Councilman David Williams Jr
Councilwoman Katrina Wilson

Staff:

City Manager Cameron Benson
City Attorney Sonja K. Dickens, Esq.
City Clerk Mario Bataille, CMC

Contact:

Council Chambers
Miami Gardens, Florida 33056
Phone: (305) 914-9010
Fax: (305) 914-9033
Website: www.miamigardens-fl.gov

Next Regular Meeting Date: February 12, 2020

Article VII of the Miami Gardens Code entitled, “Lobbyist” requires that all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay a one-time 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.

Page

1. CALL TO ORDER/ROLL CALL

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.1 Regular City Council Meeting Draft Minutes – January 08, 2020

5. ORDER OF BUSINESS

(Items to be pulled from Consent Agenda at this time)

6. SPECIAL PRESENTATIONS (5 MINUTES EACH)

6.1 SPECIAL PRESENTATION ON HUMAN TRAFFICKING.

Sponsored by: Councilman David Williams Jr.

7. PUBLIC COMMENTS

8. ORDINANCE(S) FOR FIRST READING:

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

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

11. CONSENT AGENDA:

11.1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING MAYOR OLIVER GILBERT TO COLLECT MONEY FOR THE PURPOSE OF THE MAYOR'S LAPTOP GIVEAWAY FOR THE YEAR 2020; AUTHORIZING THE CITY MANAGER TO EXPEND MONEY DONATED TO THE CITY FOR CHARITABLE AND COMMUNITY PURPOSES FOR THE LAPTOP GIVEAWAY; AND DIRECTING THAT THE CITY MANAGER POST THE DONATION REQUEST ON THE CITY'S WEBSITE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. 5 - 7

Sponsored by: Mayor Oliver G. Gilbert

[Agenda Cover Memo #20-012 - Pdf](#)

11.2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING BLACK HISTORY MONTH DURING THE MONTH OF FEBRUARY 2020; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. 9 - 13

Sponsored by: Councilman Erhabor Ighodaro

[Agenda Cover Memo #20-009 - Pdf](#)

12. RESOLUTION(S)

13. QUASI-JUDICIAL ZONING HEARINGS/JENNINGS DISCLOSURE:

13.1. ORDINANCES ON FOR FIRST READING/PUBLIC HEARING(S):

13.2. ORDINANCES ON FOR SECOND READING/PUBLIC HEARING(S)

13.2.1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CODE OF ORDINANCES AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AMENDING ARTICLE I – "GENERAL PROVISIONS," ARTICLE IX – "GENERALIZED SCHEDULE OF PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, SPECIAL EXCEPTION USES AND PROHIBITED USES," ARTICLE X – "ACCESSORY USES AND STRUCTURES," ARTICLE XI – "DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS," ARTICLE XII – "OFF-STREET PARKING, LOADING AND VEHICULAR 15 - 112

CIRCULATION REQUIREMENTS,” ARTICLE XV “PLANNED CORRIDOR DEVELOPMENT DISTRICT (PCD) AND ENTERTAINMENT OVERLAY DISTRICT (EO),” REPEALING AND REPLACING ARTICLE XIV – “MINIMUM LANDSCAPE AND BUFFERING REQUIREMENTS; FENCES; WALLS; HEDGES,” CREATING DIVISION 8 OF ARTICLE XV – BUSINESS TRANSITIONAL OVERLAY DISTRICT OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS; CREATING A LOCATION FOR THE BUSINESS TRANSITIONAL OVERLAY DISTRICT AS OUTLINED IN EXHIBIT “B” ATTACHED HERETO; 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: City Manager

[Agenda Cover Memo #20-010 - Pdf](#)

13.3. RESOLUTION(S)/PUBLIC HEARING(S)

- 14. REPORTS OF CITY MANAGER/CITY ATTORNEY/CITY CLERK (3 MINUTES EACH)**
- 15. REPORTS OF MAYOR AND COUNCIL MEMBERS (3 MINUTES EACH)**
- 16. WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC**
- 17. ADJOURNMENT**

In accordance with the American 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 Mario Bataille, CMC, City Clerk (305) 622-8000 ext. 2830, no later than 48 hours prior to such proceedings. TDD number 1-800-955-8771.

Anyone wishing to obtain a copy of any agenda item may contact Mario Bataille, CMC, City Clerk (305) 914-9010 ext. 2830. The entire agenda packet can also be found on the city’s website at www.miamigardens-fl.gov.

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.



City of Miami Gardens

Agenda Cover Memo

20-012

Meeting: City Council - Jan 22 2020

Department

Mayor and City Council

Sponsored By

Mayor Oliver G. Gilbert

Agenda Item Title

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING MAYOR OLIVER GILBERT TO COLLECT MONEY FOR THE PURPOSE OF THE MAYOR’S LAPTOP GIVEAWAY FOR THE YEAR 2020; AUTHORIZING THE CITY MANAGER TO EXPEND MONEY DONATED TO THE CITY FOR CHARITABLE AND COMMUNITY PURPOSES FOR THE LAPTOP GIVEAWAY; AND DIRECTING THAT THE CITY MANAGER POST THE DONATION REQUEST ON THE CITY’S WEBSITE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary

For the past several years, Mayor Oliver Gilbert has raised money to purchase laptops to give to graduating high school students who are matriculating to college. Mayor Gilbert is hereby requesting authorization to collect money for the purpose for Mayor’s Laptop Giveaway for this year.

Mayor Gilbert is also requesting authorization for the City Manager to expend money donated to the City for charitable and community purposes for the Laptop Giveaway. The attached Resolution further directs that the City Manager post the donation request on the City’s website.

Fiscal Impact

Recommended Action

The City Council approve this Resolution.

Attachments

[Resolution 2020 - Laptop](#)

Agenda Item #11.1

RESOLUTION NO. 2020_____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA, AUTHORIZING MAYOR OLIVER
5 GILBERT TO COLLECT MONEY FOR THE PURPOSE OF THE
6 MAYOR'S LAPTOP GIVEAWAY FOR THE YEAR 2020;
7 AUTHORIZING THE CITY MANAGER TO EXPEND MONEY
8 DONATED TO THE CITY FOR CHARITABLE AND COMMUNITY
9 PURPOSES FOR THE LAPTOP GIVEAWAY; AND DIRECTING
10 THAT THE CITY MANAGER POST THE DONATION REQUEST
11 ON THE CITY'S WEBSITE; PROVIDING FOR THE ADOPTION
12 OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE
13 DATE.
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16 WHEREAS, for the past several years, Mayor Oliver Gilbert has raised money to
17 purchase laptops to give to graduating high school students who are matriculating to
18 college, and

19 WHEREAS, Mayor Gilbert is hereby requesting authorization to collect money for
20 the purpose of the Mayor's Laptop Giveaway for this year, and

21 WHEREAS, Mayor Gilbert is also requesting authorization for the City Manager
22 to expend money donated to the City for charitable and community purposes for the
23 Laptop Giveaway, and

24 WHEREAS, the attached Resolution further directs that the City Manager post
25 the donation request on the City's website,

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

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

31 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
32 hereby authorizes Mayor Oliver Gilbert to collect money for the purpose of the Mayor's

Agenda Item #11.1

33 Laptop Giveaway for the year 2020, authorizes the City Manager to expend money
34 donated to the City for charitable and community purposes for the Laptop Giveaway,
35 and directs that the City Manager post the donation request on the City’s website.

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

38 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
39 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2020.

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OLIVER GILBERT, III, MAYOR

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46 **ATTEST:**

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MARIO BATAILLE, CITY CLERK

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52 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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55 SPONSORED BY: MAYOR OLIVER GILBERT, III

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57 Moved by: _____

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59 **VOTE:** _____

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61	Mayor Oliver Gilbert, III	_____ (Yes)	_____ (No)
62	Vice Mayor Rodney Harris	_____ (Yes)	_____ (No)
63	Councilwoman Katrina Wilson	_____ (Yes)	_____ (No)
64	Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)
65	Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No)
66	Councilman Reggie Leon	_____ (Yes)	_____ (No)
67	Councilman David Williams Jr	_____ (Yes)	_____ (No)



City of Miami Gardens

Agenda Cover Memo

20-009

Meeting: City Council - Jan 22 2020

Department

Mayor and City Council

Sponsored By

Councilman Erhabor Ighodaro

Agenda Item Title

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING BLACK HISTORY MONTH DURING THE MONTH OF FEBRUARY 2020; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary

Background

Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History, initiated “Negro History Week” in 1926. During the launch of Negro History Week, Dr. Woodson contended that the teaching of the history of African Americans was essential to ensure the physical and intellectual survival of the race within broader society. He wrote: “If you teach the Negro that he has accomplished as much good as any other race he will aspire to equality and justice without regard to race.”

Negro History Week grew into “Black History Month” in 1976 when President Gerald Ford issued the first Message on the Observance of Black History Month that year. In 1986 Congress passed Public Law 99-244 (which designated February 1986 as “National Black (Afro-American) History Month.” This law noted that February 1, 1986 would “mark the beginning of the sixtieth annual public and private salute to Black History.” Since the passing of this law, Presidents have issued annual proclamations calling on the people of the United States to observe February as Black History Month. In January 1996, President Clinton issued Presidential Proclamation 6863 for “National African American History Month.”

Current Situation

Today, “African American History Month” is annually and nationally designated to recognize, honor and record the historical contributions and achievements made by Americans of African descent in Architecture, Arts, Business, Civil Rights, Economics, Education, Entertainment, Exploration, History, Law, Literature, Medicine, Military, Music, Politics, Science, and Sports.

Since 1928, the Association for the Study of African American Life and History identified a theme for Negro History Week and Black History Month, to help guide people in the exploration of the Black experience. This year’s theme is **African**

Agenda Item #11.2

Americans and the Vote. The year 2020 marks the centennial of the Nineteenth Amendment and the culmination of the women's suffrage movement. It also marks the sesquicentennial of the Fifteenth Amendment, which granted black men the franchise after the Civil War.

The City of Miami Gardens deems this national recognition noteworthy because of its large percentage of residents and employees of African descent. Additionally, Councilman Erhabor Ighodaro recognizes that diversity and education are tenets in creating equitable opportunities and outcomes. Black History Month provides a vehicle to promote cultural relevant and inclusive activities in our City's parks, schools, college campuses, public libraries, and businesses.

Councilman Erhabor Ighodaro is urging the City Council to acknowledge and support February 2020 as Black History Month.

Fiscal Impact

None.

Recommended Action

It is recommended that the City Council approve this Resolution.

Attachments

[Resolution 2020 - Supporting Black History Month](#)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING BLACK HISTORY MONTH DURING THE MONTH OF FEBRUARY 2020; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the United States, National African American History Month is celebrated annually in the month of February, and

WHEREAS, Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History, initiated “Negro History Week” in 1926, and

WHEREAS, Negro History Week grew into “Black History Month” in 1976 when President Gerald Ford issued the first Message on the Observance of Black History Month that year, and

WHEREAS, the City of Miami Gardens deems this national recognition noteworthy because of its large percentage of residents and employees of African descent, and

WHEREAS, Americans of African descent have made profound contributions and achievements in Architecture, Arts, Business, Civil Rights, Economics, Education, Entertainment, Exploration, History, Law, Literature, Medicine, Military, Music, Politics, Science, and Sports, and

Agenda Item #11.2

WHEREAS, the year 2020 marks the centennial of the Nineteenth Amendment and the culmination of the women's suffrage movement, and the sesquicentennial of the Fifteenth Amendment, which granted black men the franchise after the Civil War, and

WHEREAS, Councilman Erhabor Ighodaro recognizes that diversity and education are tenets in creating equitable opportunities and outcomes, and is urging the City Council to acknowledge and support February 2020 as Black History Month,

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: EXPRESSION OF RECOGNITION: The City Council of the City of Miami Gardens hereby recognizes February as Black History Month.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY 22, 2020.

Agenda Item #11.2

OLIVER GILBERT, III, MAYOR

ATTEST:

MARIO BATAILLE, CITY CLERK

REVIEWED BY: SONJA KNIGHTON DICKENS,
CITY ATTORNEY
SPONSORED BY: COUNCILMAN ERHABOR
IGHODARO, PH.D.

Moved by: _____
Seconded by: _____

VOTE: _____

Mayor Oliver Gilbert, III	_____ (Yes)	_____
(No)		
Vice Mayor Rodney Harris	_____ (Yes)	_____
(No)		
Councilwoman Katrina Wilson	_____ (Yes)	
_____ (No)		
Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	
_____ (No)		
Councilwoman Lillie Q. Odom	_____ (Yes)	
_____ (No)		
Councilman Reggie Leon	_____ (Yes)	_____
(No)		
Councilman David Williams, Jr.	_____ (Yes)	
_____ (No)		



City of Miami Gardens

Agenda Cover Memo

20-010

Meeting: City Council - Jan 22 2020

Department

Planning & Zoning Department

Sponsored By

City Manager

Agenda Item Title

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CODE OF ORDINANCES AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AMENDING ARTICLE I – "GENERAL PROVISIONS," ARTICLE IX – "GENERALIZED SCHEDULE OF PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, SPECIAL EXCEPTION USES AND PROHIBITED USES," ARTICLE X – "ACCESSORY USES AND STRUCTURES," ARTICLE XI – "DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS," ARTICLE XII – "OFF-STREET PARKING, LOADING AND VEHICULAR CIRCULATION REQUIREMENTS," ARTICLE XV "PLANNED CORRIDOR DEVELOPMENT DISTRICT (PCD) AND ENTERTAINMENT OVERLAY DISTRICT (EO)," REPEALING AND REPLACING ARTICLE XIV – "MINIMUM LANDSCAPE AND BUFFERING REQUIREMENTS; FENCES; WALLS; HEDGES," CREATING DIVISION 8 OF ARTICLE XV – BUSINESS TRANSITIONAL OVERLAY DISTRICT OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS; CREATING A LOCATION FOR THE BUSINESS TRANSITIONAL OVERLAY DISTRICT AS OUTLINED IN EXHIBIT "B" ATTACHED HERETO; 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 of Miami Gardens adopted its own land development regulations (LDR) in 2010. It is common for municipalities to periodically review the LDR in order to adapt to changing land use needs, incorporate new uses and eliminate outdated ones, address unforeseen issues or challenges not previously anticipated, eliminate redundancy, improve organization and to streamline and simplify language contained within the LDR since its initial adoption.

Current Situation

Staff has updated sections of the code pertaining to Article I - General Provisions, Article IX Generalized Schedule of Permitted Uses, Uses Permitted with Extra Requirements, Special Exception Uses and Prohibited Uses, Article X - Accessory Uses and Structures, Article XI - Development Standards Generalized Table of Development Standards, Article XII - Off-Street Parking, Loading, and Vehicular Circulation Requirements, Article XIV - Minimum Landscape and Buffering Requirements, Fences, Walls, Hedges, Article XV - Planned Corridor

Agenda Item #13.2.1.

Development District (PCD) and Entertainment Overlay District (EO).

A City Council workshop was held on November 13, 2019 outlining the proposed amendments. A public hearing is required to formalize and adopt the proposed amendments.

Fiscal Impact

N/A

Recommended Action

That the City Council approves the adoption of the proposed Ordinance.

Attachments

[REVISED ORDINANCE - AMENDED LAND DEVELOPMENT REGULATIONS](#)

[Exhibit A - Land Development Regulations](#)

[Exhibit B - Proposed Amendments 3rd Reading](#)

ORDINANCE NO. 2019_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CODE OF ORDINANCES AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AMENDING ARTICLE I – "GENERAL PROVISIONS," ARTICLE IX – "GENERALIZED SCHEDULE OF PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, SPECIAL EXCEPTION USES AND PROHIBITED USES," ARTICLE X – "ACCESSORY USES AND STRUCTURES," ARTICLE XI – "DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS," ARTICLE XII – "OFF-STREET PARKING, LOADING AND VEHICULAR CIRCULATION REQUIREMENTS," ARTICLE XV "PLANNED CORRIDOR DEVELOPMENT DISTRICT (PCD) AND ENTERTAINMENT OVERLAY DISTRICT (EO)," REPEALING AND REPLACING ARTICLE XIV – "MINIMUM LANDSCAPE AND BUFFERING REQUIREMENTS; FENCES; WALLS; HEDGES," CREATING DIVISION 8 OF ARTICLE XV – BUSINESS TRANSITIONAL OVERLAY DISTRICT OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS; CREATING A LOCATION FOR THE BUSINESS TRANSITIONAL OVERLAY DISTRICT AS OUTLINED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

1 WHEREAS, the City of Miami Gardens adopted Land Development
2 Regulations (LDRs) in 2010, and

3 WHEREAS, staff has undertaken a review of the LDR's to determine
4 whether changes need to be made, and

5 WHEREAS, City staff is recommending updates to sections of the LDR's
6 pertaining to Article I - General Provisions, Article IX Generalized Schedule of
7 Permitted Uses, Uses Permitted with Extra Requirements, Special Exception Uses

Added language is underlined. Deleted language is stricken through.

Agenda Item #13.2.1.

1 and Prohibited Uses, Article X - Accessory Uses and Structures, Article XI -
2 Development Standards Generalized Table of Development Standards, Article XII -
3 Off-Street Parking, Loading, and Vehicular Circulation Requirements, Article XIV -
4 Minimum Landscape and Buffering Requirements, Fences, Walls, Hedges, Article
5 XV - Planned Corridor Development District (PCD) and Entertainment Overlay
6 District (EO), and

7 WHEREAS, a City Council workshop was held on November 13, 2019
8 outlining the proposed amendments,

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

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

14 Section 2. AMENDMENTS: Article I, Article IX, Article X, Article XI,
15 Article XII, Article XV of the Land Development Regulations are hereby amended
16 and Article XIV is hereby repealed and replaced in accordance with Exhibit "A"
17 attached hereto.

18 Section 3. BUSINESS TRANSITIONAL OVERLAY DISTRICT AREA.
19 The Business Transitional Overlay District shall be the area defined and
20 described on Exhibit "B" attached hereto.

21 Section 4. CONFLICT: All ordinances or Code provisions in conflict
22 herewith are hereby repealed.

Added language is underlined. Deleted language is stricken through.

Agenda Item #13.2.1.

1 Section 5. SEVERABILITY: If any section, subsection, sentence,
2 clause, phrase or portion of this Ordinance is for any reason held invalid or
3 unconstitutional by any court of competent jurisdiction, such portion shall be
4 deemed a separate, distinct and independent provision and such holding shall
5 not affect the validity of the remaining portions of this Ordinance.

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

13 Section 7. EFFECTIVE DATE: This Ordinance shall become effective
14 immediately upon its final passage.

15 PASSED ON FIRST READING ON THE ____ DAY OF _____,
16 2019.

17 PASSED ON SECOND READING ON THE ____ DAY OF _____,
18 2019.

19
20 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
21 MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE ____ DAY OF
22 _____, 2019.

Added language is underlined. Deleted language is stricken through.

Agenda Item #13.2.1.

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OLIVER GILBERT, III, MAYOR

ATTEST:

MARIO BATAILLE, MMC, CITY CLERK

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

SPONSORED BY:

Moved by: _____

Second by: _____

VOTE: _____

Mayor Oliver Gilbert III	(Yes)	(No)
Vice Mayor Rodney Harris	(Yes)	(No)
Councilman Reggie Leon	(Yes)	(No)
Councilwoman Lillie Odom	(Yes)	(No)
Councilwoman Katrina Wilson	(Yes)	(No)
Councilman David Williams Jr.	(Yes)	(No)
Councilman Erhabor Ighodaro	(Yes)	(No)

Added language is underlined. Deleted language is stricken through.

EXHIBIT A

Language to be added is underlined; language to be deleted is shown ~~strikethrough~~.

ARTICLE I. - GENERAL PROVISIONS

Sec. 34-13. - Zoning districts established.

The city is hereby divided into the following zoning districts that implement the various land use classifications of the adopted CDMP, and achieve the other purposes of this chapter:

R-1	Single-Family Dwelling Residential District
R-2	Two-Family Dwelling Residential District
R-15	Multiple-Family Dwelling Residential District
R-25	Multiple-Family Dwelling Residential District
R-50	Multiple-Family Dwelling Residential District
NC	Neighborhood Commercial District
PCD	Planned Corridor Development District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District
AU	Agricultural and Utilities District
OF	Office District
GP	Government Properties District
EO	Entertainment Overlay District
<u>BTO</u>	<u>Business Transitional Overlay</u>

Agenda Item #13.2.1.

(Ord. No. 2010-10-218, § 2(1-130), 4-7-2010; Ord. No. 2011-25-267, Exh. B, 11-2-2011; Ord. No. 2015-03-333, § 2(Exh. A), 3-25-2015)

Sec. 34-14. - Purpose and intent of zoning districts.

- (a) *R-1 Single-Family Dwelling Residential District*. Provides for use and occupancy of one-family detached dwelling units at low densities, essential services and facilities, and select public and institutional uses. Implements the lowest density range of the Neighborhood CDMP land use category, allowing up to six du/ac.
- (b) *R-2 Two-Family Dwelling Residential District*. To provide for use and occupancy of one-family detached and two-family dwellings at low-medium densities, essential services and facilities, and select public and institutional uses. Implements the seven to 15 du/ac range of the Neighborhood CDMP land use category.
- (c) *R-15 Multiple-Family Dwelling Residential District* . Provides for use and occupancy of one-family attached and detached, two-family and multiple-family dwellings at low-medium densities, essential services and facilities, and select public and institutional uses. Implements the seven to 15 du/ac range of the Neighborhood CDMP land use category.
- (d) *R-25 Multiple-Family Dwelling Residential District*. Provides for use and occupancy of single-family attached and multifamily dwellings at medium densities, essential services and facilities, and select public and institutional uses. Also permits single-family detached and two-family dwellings. Implements the 16 to 25 du/ac range of the Neighborhood CDMP land use category.
- (e) *R-50 Multiple-Family Dwelling Residential District* . Provides for use and occupancy of single-family attached and multifamily dwellings at medium-high densities, related essential services and facilities, and select public and institutional uses. Also permits single-family detached and two-family dwellings. Implements the 25 to 50 du/ac range of the Neighborhood CDMP land use category.
- (f) *NC Neighborhood Commercial District*. Provides locations for a variety of commercial uses, select public and institutional uses, select recreation and entertainment uses, and places of assembly, that are located within, and compatible with, adjacent neighborhoods. Implements the Neighborhood (Suburban Commercial and Office) CDMP land use category.
- (g) *PCD, Planned Corridor Development District*. Implements the CDMP Commerce land use category by allowing multiple-family residential dwellings, a wide range of commercial uses, select recreation and entertainment uses, mixed residential and commercial uses, select public and institutional uses, and places of assembly in the following urban contexts as identified in the CDMP: Urban Commercial and Office; Medium-Density Residential; Medium-High Density Residential; Urban Center; Urban Core; and Golden Glades Area. See article XV of this chapter for detailed intent and purpose statements.
- (h) *I-1 Industrial District, Light*. Provides for a wide range of land uses including research, assembly, fabrication, manufacturing, repair, service, retail, entertainment, and places of assembly. Implements the CDMP Urban Industrial component of the Commerce land use category.
- (i) *I-2 Industrial District, Heavy*. Provides for a wide range of land uses including research, assembly, fabrication, manufacturing, repair, service, retail, entertainment, and places of assembly. Implements the CDMP Urban Industrial component of the Commerce land use category.
- (j) *PD Planned Development District*. Provides flexibility in the master planning, design and development of relatively large properties for residential, commercial, mixed residential commercial, public and institutional uses, and recreation and entertainment uses. May be used to implement the Neighborhood and Commerce CDMP land use categories.
- (k) *AU Agricultural and Utilities District*. Provides for agricultural, select public and institutional uses, select recreational uses, limited commercial and service uses, and light industrial uses. The AU district is compatible with, and allowed within, the Neighborhood Commerce land use categories of the CDMP.

Words underlined are added. Words stricken through are deleted.

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- (l) *OF Office District*. Provides for a wide range of office, related supporting business uses, and limited public and institutional uses. Implements the CDMP Suburban Office component of the Neighborhood land use classification.
- (m) *GP Government Properties District*. Provides for public and institutional uses that are classified as "public and semi-public uses" in the CDMP or that are provided for the general use, benefit, or protection of the community. The CDMP authorizes such uses in all land use categories subject to the applicable plan policies.
- (n) *EO Entertainment Overlay District*. The area is intended to revitalize commercial centers in the city thereby generating revenue and providing ample and convenient shopping for residents. The EO district also encourages and supports large-scale development or entertainment driven uses including, but not limited to, hotels, theaters, cultural centers, indoor recreation facilities, alcoholic beverages uses, commercial activities, with the purpose of attracting customers and visitors from local, regional, national, and international areas. The EO district is depicted on the official zoning map and overlay areas designated planned corridor development (PCD).
- (o) *BTO Business Transitional Overlay District*. The Business Transitional Overlay District (BTO) is intended to encourage redevelopment of underutilized properties and consolidation of developable parcels, thereby achieving more efficient land use and improved site design, while providing a smooth transition between residential and commercial properties.

(Ord. No. 2010-10-218, § 2(1-140), 4-7-2010; Ord. No. 2011-25-267, Exh. B, 11-2-2011; Ord. No. 2015-03-333, § 2(Exh. A), 3-25-2015)

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

Sec. 34-287. - Use regulations, generally.

- (a) *Permitted uses.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located, and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to any use-related standards and requirements that may be applicable in section 34-288, and the site plan and permit requirements and procedures described in this section.
- (b) *Special exception uses.* A use listed as a special exception in a zoning district is deemed to be generally unsuitable for location in such district, but may be permitted on a case-by-case basis if, after review and possible attachment of conditions pursuant to the procedures and criteria of section 34-48, the city determines that the use will be appropriate in the given zoning district. A special exception use is also subject to extra requirements in section 34-288 when indicated in the use regulations schedule.
- (c) *Accessory uses.* Principal uses listed in the use regulations schedule are deemed to include accessory uses listed in article X of this chapter, where such accessory uses are customarily associated with, and are incidental and subordinate to, such principal uses. An accessory use shall be subject to the same regulations that apply to the principal use in each district, except as otherwise provided.
- (d) *Temporary uses.* Uses that are deemed temporary in nature, at the sole discretion of the administrative official 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.
- (e) *Prohibited uses.* Any use not specifically listed as a permitted or special exception use, or as an accessory use to a permitted or special exception use, or any use for which the administrative official cannot categorize as similar to a permitted use, special exception use, or accessory use related to a permitted or special exception use, shall be considered expressly prohibited.
- (f) *Site plan required.* Permitted uses that are subject to use-related standards in section 34-288 and all special exception uses require final site plan review and approval.
- (g) *Permits required.* Except as explicitly provided herein, no use designated as a permitted or special exception use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits which may include final plat approval, final site plan approval, a building permit, certificate of use, and a certificate of occupancy; all pursuant to the requirements of this chapter.
- (h) *Uses within an enclosed building.* All uses and related activities shall be within an enclosed building, except as may otherwise be permitted in this chapter, or as would be allowed as a customary, incidental, or common practice activity to the use.
- (i) *Permitted use table.* The following permitted use table, supplemented by the Master Use List and Use Definitions set forth 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 section 34-733, the administrative official shall render an interpretation as to which prevails.

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LEGEND

P	means the use is permitted in the corresponding zoning district.
SE	means the use is subject to special exception procedures as outlined in Section 34-48 including additional application fees and approval by the City Council at a noticed public hearing
<input type="checkbox"/>	means the use is prohibited in the corresponding zoning district
*(#)	means additional requirements and criteria must be met in order for the use to be permitted per the criteria in Section 34-288 and Section 34-733

Table 1: Permitted Uses													
Zoning Districts/Uses	R-1	R-2	R-15 R-25 R-50	NC	<u>BTO</u>	PCD	<u>E</u> <u>O</u>	OF	I-1	I-2	PD	AU	GP
<i>Residential Type Uses</i>													
Adult day care center *(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	P	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>
Adult Family Care Home, up to 5 residents*(3)	P	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>						
Assisted Living Facility (ALF), up to 6 residents*(8)	P	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>						
Assisted Living Facility (ALF), greater than 6 residents*(9)	SE	SE	SE	SE	<input type="checkbox"/>	SE	<input type="checkbox"/>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	<input type="checkbox"/>	<input type="checkbox"/>
Community residential home, up to 6 residents*(17)	P	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>						
Community residential home, greater than 6 residents *(18)	SE	SE	SE	SE	<input type="checkbox"/>	SE	<input type="checkbox"/>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	<input type="checkbox"/>	<input type="checkbox"/>
Dormitories, Fraternity or Sorority house, on campus, off-campus	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>									

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Family day care home, 5 children or less *(22)	P	P	P	P	<u>P</u>	P	□	□	□	□	□	□	□
Farm worker housing	□	□	□	□	<u>□</u>	□	□	□	□	□	□	SE	□
Halfway house	□	□	□	SE	<u>□</u>	SE	□	SE	□	□	□	□	□
Hotels, Motels, Lodging	□	□	□	□	<u>□</u>	P	P	□	P	P	P	□	□
Mobile home*(31)	□	□	□	□	<u>□</u>	□	□	□	□	□	P	□	□
Nursing Home	□	□	□	P	<u>□</u>	P	□	P	□	□	P	□	□
Residential—mixed-use residential*(41)	□	□	□	□	<u>□</u>	P	P	□	□	□	P	□	□
Residential—multifamily residential*(41)	□	□	P	□	<u>□</u>	P	P	□	□	□	P	□	□
Residential—single-family-detached residential*(41)	P	□	P	□	<u>P</u>	□	□	□	□	□	P	□	□
Residential—townhouse*(41)	□	□	P	□	<u>□</u>	□	SE	□	□	□	P	□	□
Residential—two-family duplex *(41)	□	P	□	□	<u>□</u>	□	□	□	□	□	□	□	□
Shelter	□	□	□	□	<u>□</u>	SE	□	□	□	□	□	□	□
Public and Institutional Type Uses													
Airport, airfield, heliport, related uses—public, private*(4)	□	□	□	□	<u>□</u>	□	□	□	□	□	P	□	P
Community centers	□	□	□	P	<u>P</u>	P	P	□	□	□	P	□	P
Cultural and civic facilities—libraries, museums	□	□	□	P	<u>P</u>	P	P	□	□	□	P	□	P
Detention facility	□	□	□	□	<u>□</u>	□	□	□	□	□	□	□	P
Educational and child care facilities—non-public *(20)	□	□	□	□	<u>□</u>	P	□	□	P	P	P	□	P

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Educational facilities—college or university—private; main campus*(21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	SE	SE	SE	P	<input type="checkbox"/>	P
Educational facilities—public, including charter school	P	P	P	P	<u>P</u>	P	<input type="checkbox"/>	P	P	P	P	P	P
Educational facilities—technical, vocational, specialty—non-public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	P	P	P	P	<input type="checkbox"/>	P
Government facilities, including administrative, support and service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	P
Hospital—private, public *(27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	P
Hospital – psychiatric *(28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	<input type="checkbox"/>	SE
Public parks and recreational facilities	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Public safety facility	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Sewage lift or pumping station*(39)	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Solid waste transfer station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	P
Transit station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P						
Utilities and related facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P						
Water plant, waste water plant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P						
Vehicle Related Commercial Type Uses													
Car wash—enclosed*(11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car wash—outside, hand wash*(12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car wash – mobile*(13)				<u><input type="checkbox"/></u>	<u><input type="checkbox"/></u>				P	P			
Parking Garage, Lot—commercial *(32)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<u><input type="checkbox"/></u>	P	P	P	P	P	P	<input type="checkbox"/>	P

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Car Rental—automobile only *(47)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental—Truck and other vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bus charter service, Passenger bus terminal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	SE	<input type="checkbox"/>	P
Vehicle Fueling stations and sales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle major repair—mechanical, body Vehicle towing service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle minor repair—maintenance, service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle—parts sales and installation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle – parts sales, retail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle sales—retail, new automobiles*(45)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle sales—retail, used automobiles*(45)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle sales – wholesale dealer, online independent dealer *(46)				P	<u><input type="checkbox"/></u>	P		P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation, Entertainment Type Uses													
Amusement parks, stadiums, arenas*(5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>
Arcade, video games, electronic gaming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Casino gaming facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Miniature golf, driving range	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>

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Sport shooting range (indoor) *(26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race track—horse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	P	<input type="checkbox"/>					
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities, bowling alleys—indoor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	P
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities—outdoor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	<u><input type="checkbox"/></u>	SE	P	<input type="checkbox"/>	P	P	P	SE	P
Restaurant, Food And Beverage Service Type Uses													
Adult entertainment establishment*(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bar/lounge, Wine tasting room *(10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>					
Box lunches, distribution*(14)					<u><input type="checkbox"/></u>				<u>P</u>	<u>P</u>			
Catering Service*(15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nightclub, Discotheque, Club, Cabarets.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	P	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restaurant—sports, amusement, coffee/sandwich shop, cafeteria, outdoor cafe*(37)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	P	<input type="checkbox"/>
Microbrewery*(36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Places Of Assembly Type Uses*(33)													
Auction House—indoor*(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Banquet hall *(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE <u>P</u>	SE	SE	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Funeral Homes*(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Place of religious assembly*(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private clubs, not public*(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Theater (movie, performing arts) *(33)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial Type Uses													
Convenience store*_ (48)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P		<input type="checkbox"/>	P	P		<input type="checkbox"/>	<input type="checkbox"/>
Donated goods Center—new/used*(23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug, Pharmacy store *(19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flea market *(24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food specialty store	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Grocery store	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Liquor package store	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pawn shop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse, plant nursery, retail or wholesale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	<u>P</u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>
Retail—big box, club membership, department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retail—general, single use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Retail—Home improvement, building materials* (35)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondhand merchandise store/consignment store	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoke Shop/Vape Shop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Office Type Uses													
Call center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Office—business, sales, professional, semi-professional services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Office—medical office/medical clinic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Service Type Uses													
Animal grooming and pet sitting—indoor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>
Animal Hospital/Veterinarian clinic *(6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	SE	P	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>
Animal kennel - commercial boarding Dog training facility* (7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	P	<input type="checkbox"/>
Animal shelters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	P	<input type="checkbox"/>
Blood banks, diagnostic medical treatment centers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Check cashing, bill payments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy, printing center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Cosmetic Surgery, beauty clinics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Customer service center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dry cleaning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equipment and tool rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial institution - banks, credit unions, investment brokerage establishments, ATM*(25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>

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Health club, fitness club	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	<input type="checkbox"/>	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Laundromat, self-service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Package shipping, mail service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	P
Personal care services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u>P</u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Repair and service shop—general merchandise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Self-service storage facility *(38)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	SE	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Studios—photographic, and instructional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<u><input type="checkbox"/></u>	P	P	P	P	P	P	<input type="checkbox"/>	<input type="checkbox"/>
Tattoo parlor, body piercing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	P	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Uses													
Cemetery, mausoleums, crematory*(16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	SE	<input type="checkbox"/>	SE	<input type="checkbox"/>
Small Wireless Facility*(44)	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Wireless Antennas and support services*(43)	SE	SE	SE	SE	<u><input type="checkbox"/></u>	SE	SE	SE	P	P	SE	SE	P
Industrial Type Uses													
Warehouse, Distribution center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dry cleaning—commercial laundry plant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industrial uses—heavy *(29)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industrial uses—light *(30)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<u>P</u>	<input type="checkbox"/>
Laboratory—medical, research, testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u><input type="checkbox"/></u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P	P	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio and TV studio, music production, movie studio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SE	<u><input type="checkbox"/></u>	SE	SE	<input type="checkbox"/>	P	P	<input type="checkbox"/>	P	P

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- e. The hours of distribution shall be limited to between 11:00am and 3:00pm.

Nothing contained herein shall prohibit temporary mobile food facilities in accordance with chapter 4, article II, section 4-45.

(18) Convenience Stores are permitted provided:

(1) Every convenience business shall be equipped with the following security devices and standards:

(a) A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension.

(b) A drop safe or cash management device for restricted access to cash receipts.

(c) A lighted parking lot illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.

(d) A conspicuous notice at the entrance which states that the cash register contains \$50 or less.

(e) Window signage that allows a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area.

(f) Height markers at the entrance of the convenience business which display height measures.

(g) A cash management policy to limit the cash on hand at all times after 11 p.m.

(2) A convenience business shall not have window tinting that reduces exterior or interior view in a normal line of sight.

(3) Every convenience business shall be equipped with a silent alarm to law enforcement or a private security agency, unless application for an exemption is made to and granted by the Attorney General. An application for exemption must be in writing and must be accompanied by an administrative fee of \$25 for each store for which an exemption would apply.

(4) If a murder, robbery, sexual battery, aggravated assault, aggravated battery, or kidnapping or false imprisonment, as those crimes are identified and defined by Florida Statutes, occurs or has occurred at a convenience business since July 1, 1989, and arises out of the operation of the convenience business, that convenience business shall implement at least one of the following security measures:

(a) Provide at least two employees on the premises at all times after 11 p.m. and before 5 a.m.;

(b) Install for use by employees at all times after 11 p.m. and before 5 a.m. a secured safety enclosure of transparent polycarbonate or other material that meets at least one of the following minimum standards:

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1. American Society for Testing and Materials Standard D3935 (classification PC110 B 3 0800700) and that has a thickness of at least 0.375 inches and has an impact strength of at least 200 foot pounds; or

2. Underwriters Laboratory Standard UL 752 for medium power small arms (level one), Bullet Resisting Equipment;

(c) Provide a security guard on the premises at all times after 11 p.m. and before 5 a.m.;

(d) Lock the business premises throughout the hours of 11 p.m. to 5 a.m., and only transact business through an indirect pass-through trough, trapdoor, or window; or

(e) Close the business at all times after 11 p.m. and before 5 a.m.

(5) For purposes of this section, any convenience business that by law implemented any of the security measures set forth in paragraphs (4)(a)-(e) and has maintained said measures as required by the Department of Legal Affairs without any occurrence or incidence of the crimes identified by subsection (4) for a period of no less than 24 months immediately preceding the filing of a notice of exemption, may file with the department a notice of exemption from these enhanced security measures. In no event shall this exemption be interpreted to preclude full compliance with the security measures set forth in subsection (4) should any occurrence or incidence of the crimes identified by subsection (4) cause subsection (4) to be statutorily applicable.

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ARTICLE X. - ACCESSORY USES AND STRUCTURES

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 34-342, Table 1. Additional standards shall be complied with for the establishment of the accessory use.

LEGEND

P	means the use is permitted in the corresponding zoning district.
	means the use is prohibited in the corresponding zoning district
* (#)	means additional requirements and criteria must be met in order for the use to be permitted per the criteria in Section 34-312

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	<u>BTO</u>	I-1	I-2	PD	AU	GP	EO
Awnings, canopies, roof overhangs, balconies, architectural structures *20,22	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P
Carports *21,22	P	P											
Commercial recyclable material storage area* 10				P	P	P		P	P	P	P	P	P
Construction trailer—temporary Trailer used as sales office*17	P	P	P	P	P	P		P	P	P	P	P	P
Ice and Propane storage *24				P	P			P	P	P	P		P
Home Occupation Office *25	P	P	P	P	P		<u>P</u>			P	P		P
Donation bins *15				P	P	P		P	P	P		P	
Drive-thru facilities *23					P								
Dumpster enclosures *9	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P

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Gatehouses, guardhouses *19	P	P	P		P	P		<u>P</u>	P	P			P
Generators—permanent *5	P	P	P	P	P	P	<u>P</u>	P	P	P	P		P
Maintenance building commercial, industrial *8				P	P			P	P	P	P		P
Mobile medical, professional unit *18				P	P	P	<u>P</u>	P	P	P			P
Multifamily recyclable material storage areas *11			P	P	P					P			P
News kiosk *14				P	P	P		P	P	P			P
Outdoor dining *6				P	P	P		P	P	P	P		P
Outdoor grilling, commercial*7				P	P	P		P	P	P	P		P
Outdoor storage, open air storage, including vehicles *12								P	P		P		P
Portable storage units*4	P	P	P							P			
Screen enclosures, covered patios *3	P	P					<u>P</u>			P			P
Swimming pools, spas, *2	P	P	P	P	P		<u>P</u>			P			P
Utility sheds, storage shed *1	P	P	P				<u>P</u>			P	P		
Vending machines, video arcade games *13			P	P	P	P		P	P	P			P
Watchman, manager or caretaker quarters—permanent, temporary *16			P	P	P			P	P	P	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.													

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ARTICLE XI. - DEVELOPMENT STANDARDS GENERALIZED TABLE OF DEVELOPMENT STANDARDS

Sec. 34-342. - Tables for development standards.

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

Table 1. Development Standards			
Zoning Districts			
	R-1, Single-Family (See Figures 11-1, 11-2 for illustrations) <u>Business Transition Overlay (BTO)</u>	R-2, Two-Family; R-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family	R-15, Multiple-Family; R-25, Multiple-Family; R-50, Multiple-Family
	Single-family Detached Two-Family	Townhouse	Multiple-family
Lot and Density Parameters			
Minimum dimensions per development site	Not applicable	10,000 s.f.	10,000 s.f.
Lot frontage, minimum	75 ft.	96 ft.(block) 22 ft. individual interior lot	100 ft.
Lot frontage, minimum (corner lots and townhome end lots)	75 ft.	37 ft. individual lot	100 ft.
Lot area (net), minimum	7,500 s.f.	2,200 s.f. interior lot; 3,700 s.f. for corner and end lots	10,000 s.f.
Density, maximum (net)	Up to 6 du/ac	Up to 15 du/ac	R-15 up to 15 du/ac R-25 up to 25 du/ac R-50 up to 50 du/ac

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Lot coverage and Permitted Impervious areas			
Lot coverage principal building	40% max.	70 max. per lot	60 max.
Required front yard	50% max. impervious area	90 max. impervious area	Not applicable
Lot coverage (accessory building within required rear yard)	30% max.	30% max.	Not applicable
Rear yard	70% max. impervious area	70% max. impervious area	Not applicable
Maximum Height			
Principal building(s)	35 ft./2 stories	40 ft/3 stories	R-15: 40 ft./3 stories R-25: 50 ft./4 stories R-50: 120 ft./10 stories
Accessory building (s)	14 ft.	14 ft.	20 ft.
Principal Building Size, Setbacks and Spacing			
Building length (maximum)	Not applicable	155 ft.	Greater than 150 ft. requires administrative approval for massing and articulation
Front setback (minimum)	25 ft.	20 ft.	25 ft.
Rear setback (minimum)	25 ft.	15 ft.	25 ft.
Interior side setback (minimum)	7.5 ft. min. or 10% of lot width but not less than 5 ft.	15 ft.	15 ft.

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Side street setback (minimum)	15 ft.	15 ft.	20 ft.
Spacing between principal buildings (minimum)	Not applicable (only 1 dwelling per lot)	20 ft. without openings; 30 ft. with openings	20 ft. without openings; 30 ft. with openings
Accessory Building Setbacks and Spacing			
Front setback (minimum)	75 ft.	75 ft.	25 ft.
Rear setback (minimum)	5 ft.	5 ft.	5 ft.
Interior side setback (minimum)	7.5 ft.	5 ft.	15 ft.
Side street setback (minimum)	20 ft.	20 ft.	20 ft.
Between accessory building and any other Building (minimum)	10 ft.	10 ft.	20 ft.
Carport Setbacks			
Front (minimum)	5 ft.	5 ft.	5 ft.
Rear (minimum)	5 ft.	5 ft.	5 ft.
Interior side (minimum)	5 ft.	5 ft.	5 ft.
Side street (minimum)	5 ft.	5 ft.	10 ft.
Swimming Pool Setbacks			

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Front setback (minimum)	75 ft.	75 ft. individual lot 25 ft. on common area	25 ft.
Rear (minimum)	7.5 ft.	7.5 ft.	10 ft.
Interior side (minimum)	10 ft.	10 ft.	10 ft.
Side street (minimum)	20 ft.	20 ft.	25 ft.
Screen Enclosure Setbacks			
Rear (minimum)	6 ft.	6 ft.	5 ft.
Interior side (minimum)	5 ft.	7.5 ft.	7.5 ft.
Side street (minimum)	15 ft.	15 ft.	20 ft.
Patio Slabs - Brick Pavers			
Rear (minimum)	5 ft.	5 ft.	
Interior side (minimum)	5 ft.	5 ft.	
Side street (minimum)	15 ft.	15 ft.	
Coverage			

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

Sec. 34-374. - Purpose and intent.

The intent of this article is to ensure adequate and appropriately located off-street parking and loading, to avoid undue congestion on streets, to avoid unnecessary conflicts between vehicles and pedestrians, to preserve and enhance pedestrian activity areas within the city, and to facilitate vehicular access from public rights-of-way to off-street parking facilities.

(Ord. No. 2010-10-218, § 2(12-10), 4-7-2010)

Sec. 34-375. - Parking and loading facilities required.

A certificate of use shall not be issued for any structure or use unless required parking spaces and loading facilities are provided. When the use of all or a portion of land or a structure utilized for a business is changed, if the parking requirements for the new use exceed the original parking requirements for the facilities, additional parking shall be provided to meet the requirements for the new use. Any expansion, alteration, or improvement increasing the gross square feet of an existing structure which increases the required number of parking or loading spaces shall be accompanied by a corresponding increase in the number of spaces.

(Ord. No. 2010-10-218, § 2(12-20), 4-7-2010)

Sec. 34-376. - General requirements.

- (a) *Storm drainage for parking and loading spaces.* Off-street parking and loading spaces, for other than single-family residences and duplexes, shall be provided with drainage systems adequately designed and maintained as required by the following:
 - (1) To prevent the accumulation of water from normal rainfall; and
 - (2) To prevent the runoff of rainfall onto neighborhood property at rates greater than would result if the site were undeveloped. Drainage systems shall be designed in accordance with standards set forth in the city's public works manual and meeting the approval of the public works department.
- (b) *Maintenance and good repair.* All required off-street parking areas shall be maintained in good repair and shall be kept in a reasonably clean and sanitary condition free from rodents, insects and vermin.
- (c) *Parking in open space areas prohibited.* Parking in areas for open space, landscaped areas, and lawns shall be prohibited.
- (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 ~~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.
- (e) *Retention of required off-street parking spaces.* Required off-street parking spaces shall not be replaced by any other on-site facility unless equal parking facilities are provided elsewhere. Off-street parking spaces existing on the effective date of the ordinance from which this article is derived shall not be reduced to an amount less than required.
- (f) *Ownership of parking and loading spaces.* The title of all property on which required parking and loading is provided shall be unified with the title of all property on which the uses served are located. Deed restrictions and other documents which provide for title unification shall be recorded with the city clerk prior and shall be subject to consideration of a development approval.
- (g) *Entrances and exits to parking and loading facilities.* Entrances and exits to parking and loading spaces shall be located on one or the other:

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- (1) Land in the same zoning district as the use served;
- (2) Land in a less restrictive zoning district.

(Ord. No. 2010-10-218, § 2(12-30), 4-7-2010; Ord. No. 2011-21-263, § 2, 10-5-2011)

Sec. 34-377. - Parking facility standards for single family residential and fewer than four dwelling units on a lot.

Developments of fewer than four dwellings on a lot are subject only to the requirements of this section unless otherwise provided in this section.

- (1) Required off-street parking spaces shall be located on the property on which the units are constructed. Required parking may be located in a front yard. Parking areas located in the front yard shall be surfaced with a hard, smooth, non-dusting surface in accordance to the public works manual and meeting the approval of the public works department.
- ~~(2) Each parking space shall comply with the minimum dimensions in section 34-382. Where driveway parking is provided, the minimum width of the driveway shall be ten feet for single-loaded driveways and 20 feet for double-loaded driveways.~~
- (2) Each parking space shall comply with the minimum dimensions in section 34-382. Where driveway parking is provided, the minimum length of any driveway shall be 20 feet. Minimum driveway width shall be ten feet minimum for single-loaded driveways and 20 feet maximum for double-loaded driveways. The total width of all driveways combined (circular or multiple driveways) shall not exceed 30 feet. Circular driveways shall provide 25 feet minimum separation between driveways and 5 feet minimum separation between the property line and the driveway at center of landscape island.
- ~~(3) Enclosed garages provided on the lot with the dwelling unit shall not count toward required parking spaces.~~
- ~~(4) Driveways for single-family residences and duplexes shall be spaced a minimum five feet from any side yard property line.~~
- (3) Driveways for single-family residences and two-family (duplexes) shall be spaced a minimum five feet from any side yard property line and shall be three feet separated from the building.
- (4) Parking spaces for single-family detached, two-family and townhouse dwellings may be provided in the form of a driveway in front of each dwelling unit. Parking may be tandem. Ingress and egress to the parking space may involve backing out onto a public right-of-way, provided that back out parking for townhouses is permitted only on minor, local access streets.
- (5) Installation of a new driveway requires a paved driveway approach. The width of the driveway approach shall match the width of the interior driveway. A vehicular gate shall not be permitted unless a driveway and approach are provided.
- (6) Number of driveways for single family residences. A maximum of two (2) driveways are permitted per residence. Access points shall meet the approval of the public works Department.

(Ord. No. 2010-10-218, § 2(12-40), 4-7-2010)

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Sec. 34-378. - Construction standards, pavement markings and signage.

- (a) All parking areas shall be paved per requirements of the city public works department. It shall be a violation of this chapter to park on any unpaved areas as described in this article.
- (b) ~~Markings and signage. Traffic control signs and pavement markings shall be used as necessary to ensure safe and efficient traffic operations within all parking and loading areas. Required off-street parking spaces shall be delineated by four-inch white double striped lines. All signs shall comply with the Manual of Uniform Traffic Control Devices Federal Highway Administration, United States Department of Transportation, 1978, as adopted by the state department of transportation, as revised.~~
- (b) Pavement Markings. All required off-street standard parking spaces shall be delineated by four-inch white double striped lines, except concrete pavement shall be delineated by four-inch yellow double striped lines.
- (c) Signage. Traffic control signs and pavement markings shall be used as necessary to ensure safe and efficient traffic operations within all parking and loading areas. All signs shall comply with the latest version of the Manual of Uniform Traffic Control Devices Federal Highway Administration, United States Department of Transportation, as adopted by the state department of transportation, as revised.

For parking stalls where a sidewalk is located in front of the parking stall, signage shall be placed in one the following locations in order of preference:

- (1) Located within grass area beyond sidewalk;
- (2) In front of the parking stall (s) on the asphalt;
- (c) ~~Curbs, wheel-stops, or bollards shall be installed to protect landscaped areas, pedestrian area, buildings, and property lines.~~
- (d) Curbs, wheel-stops, or bollards shall be installed to protect landscaped areas, pedestrian area, buildings, and property lines. Parking stall overhang is not permitted. Off-street parking areas are also subject to landscape requirements of Article XIV of this chapter.

(Ord. No. 2010-10-218, § 2(12-50), 4-7-2010)

Sec. 34-379. - Location of parking facilities.

- (a) Required off-street parking and loading spaces for multiple-family developments of four units or more on one lot, mixed-use projects and nonresidential structures, shall be located on the same property on which the use or structure exists, provided that off-site parking is permitted subject to the following:
 - (1) The off-site parking is located within 300 feet of the subject property;
 - (2) The off-site parking is located in the same or less restrictive zoning district;
 - (3) The off-site parking is located in a district where such facilities are permitted;
 - (4) Off-site parking that does not meet the first two criteria above may be permitted subject to approval of an administrative variance and waiver as set forth in section 34-49.
- (b) On-street parking directly and wholly abutting the subject property shall be counted towards the off-street parking requirement, provided that:
 - (1) Such spaces are clearly marked on the site plan and pavement in accordance with the appropriate city, county and state standards;

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- (2) Such spaces shall be publicly accessible and cannot be reserved or restricted by the owner or tenants of the property;
- (3) On street parking on private streets may be counted towards required parking provided that the road is publicly accessible (not gated) and the streets, parking spaces and sidewalks are constructed consist with the standards for public streets in the city;
- (4) In the event the city, county or state removes the spaces at any time for a public purpose, the property shall be considered lawfully nonconforming with respect to parking.

(Ord. No. 2010-10-218, § 2(12-60), 4-7-2010)

Sec. 34-380. - Configuration of parking and loading ingress and egress.

- (a) Ingress to and egress from parking and loading spaces shall be provided in either of the following ways:
 - (1) Ingress and egress from parking and loading spaces shall be provided by means of clearly defined drives which lead from public rights-of-way to clearly defined maneuvering lanes which in turn provide access to individual parking or loading spaces. Configurations which require backing directly onto a street, excluding alleys, from a parking or loading space are prohibited except as provided in section 34-377. There shall be a minimum of ten feet separation between all access drives. The separation shall be measured along the curb line.
 - (2) Ingress and egress from parking stalls may be provided directly from public alleys. If existing alley width does not comply with minimum aisle requirements, additional parking space aisle or setbacks shall be required as indicated in section 34-382.
 - (3) Dead end parking. Dead end parking is strongly discouraged. In instances where dead end parking is necessary due to site constraints, an adequate turnaround space shall be provided in compliance with one of the following alternatives:
 - (a) Provide at least one backing out stall with the same dimensions of the parking stalls and minimum 9 feet backing out space at the end of the drive aisle. Backing out stall shall be clearly marked "No Parking" with stencil or signage.
 - (b) Provide a 16 feet T-Turnaround.
- (b) Common vehicular access points.
 - (1) *Applicability.* The administrative official, in conjunction with the recommendation of the development review committee, may require the provision of common vehicular access points between abutting lots or tracts when all of the following criteria are met:
 - a. The proposed use is nonresidential.
 - b. The lot or tract has frontage on a street classified as an arterial or collector in the traffic circulation plan element of the comprehensive development master plan.
 - c. The provision of common vehicular access points and related common access ways will help mitigate future adverse transportation impact of the proposed use upon traffic safety and vehicular operating capacity of the major thoroughfare in question.
 - d. The existing or anticipated land uses adjacent to the lot or tract in question are generally of a similar or compatible character to the proposed use of the lot or tract in question.
 - e. The provision of common vehicular access points between lots or tracts is not impractical due to the configuration of existing buildings, structures or other related circumstances.
 - (2) *Design of common vehicular access points.* When common vehicular access points are required, the following design criteria shall apply:

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- a. Common vehicular access points shall provide two-way traffic circulation to accommodate a 12-foot-wide access way in each direction.
 - b. Common vehicular access points should be located between the parcel line with frontage on the major thoroughfare and the required front yard building setback or base building line, whichever is greater.
 - c. Stub-outs and other design features shall be provided to the parcel line in question in order to tie together on-site vehicular traffic circulation of abutting properties.
 - d. Off-street parking, common vehicular access ways and related facilities shall be arranged in a manner that coordinates on-site vehicular circulation between abutting lots and tracts.
- (3) *Submittal of draft common vehicular access point agreement.* When a common vehicular access point agreement is required, a draft copy of such agreement, easement or other similar instrument shall be submitted with a proposed site plan or a proposed tentative plat, whichever is applicable.
- (4) *Recording and evidence of common vehicular access point agreement.* All common vehicular access point agreements, easements or other similar legal instruments required by the provisions of this schedule shall be recorded by the city clerk. A notarized copy of such recorded agreement, easement or instrument shall be provided to the administrative official prior to the issuance of a building permit or certificate of completion.
- (5) *Identification of common vehicular access point agreements on official zoning map.* Upon receipt of evidence of common vehicular access point agreement, the administrative official shall cause such agreement to be identified on the properties party to the agreement.
- (6) *Temporary vehicular access points.* When the lot in question is developed prior to an abutting lot, a temporary vehicular access point on a major thoroughfare may be approved provided, however, that a condition of approval of such temporary vehicular access point shall be removal of same when development of the abutting lot or tract provides common vehicular access and a coordinated system of on-site traffic circulation for both premises. The administrative official shall notify the owner of record of the lot in question by certified mail as to when the temporary vehicular access point shall be removed and any applicable conditions for its removal. The owner shall be responsible for all costs involved in removing the temporary vehicular access point.

(Ord. No. 2010-10-218, § 2(12-70), 4-7-2010)

Sec. 34-381. - Number of required off-street parking space requirements for all districts and uses.

- (a) *Required parking for multiple uses.* Where there are multiple uses including accessory uses within one development, building, or structure, the required parking for each use shall be computed and the summed total number shall be the required number of parking spaces, except as provided in section 34-387 for shared parking.
- (b) *Required number of spaces when fractional space computed.* When calculations determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (c) *Tandem spaces, valet parking spaces, disabled parking spaces, parking for transporting young children counted towards required spaces.* Where in association with a specific use tandem or valet parking is customary or incidental or provided, and required disabled and parking for transporting young children are provided; the provision of such parking shall be counted towards the required number of parking spaces.
- (d) *Parking analysis required.* Due to the unique and specific requirements that may not be standardized for specific uses, the administrative official may require the submission of a parking analysis to

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determine the required number of parking spaces, loading spaces, and configuration of the parking areas. Said parking analysis shall provide details of the required parking standards for the specific use. Such study shall be based on and relied upon, but not limited to, other existing parking requirements of similar uses, historical parking data, special parking provisions or accommodations, use of mass transit, reliable statistical planning data and studies, or other reliable sources to allow the administrative official to make the determination.

- (e) *Schedule of off-street parking requirements.* The minimum number of required off-street parking spaces for specific uses are set forth in table 1 in this subsection. The parking requirement for uses not listed in the table shall be the parking requirement for the most similar related use in the master use and definition list, Appendix A, as determined by the administrative official.

Table 1. Off-Street Parking Requirements	
Use	Minimum Number Of Off-Street Parking Spaces
Residential Type Uses	
Assisted Living Facility (ALF)	1 per each 2 beds plus 1 per each 2 employees
Community residential facility greater than 15 and more <u>6 residents</u>	1 per each 2 beds plus 1 per each 2 employees
Community residential facility 7 to 14 residents	1 per each 2 beds plus 1 per each 2 employees
Community residential facility up to 6 residents	As required for dwelling unit
Day care center—adult, or more than 5 children	1 for each personnel and transportation vehicle or 1 per 1,000 square feet gross floor area, whichever is greater
Dormitories, Fraternity or Sorority house, on campus, off-campus	2 spaces per 3 sleeping rooms or parking analysis
Family care home 5 children or less	As required for dwelling unit
Farm worker housing	1 per sleeping room
Halfway house, treatment facility	1 per each 2 beds plus 1 per each 2 employees
Home occupation office	As required for dwelling unit
Hotels, Motels, Lodging	1 per the first 40 rooms or suites then 1 per 2 rooms/suites thereafter.

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	<u>1 per 2 rooms/suites</u>
Mobile home, Manufactured homes	2 spaces per unit
Residential—mixed-use residential	2 spaces per unit; plus .25 guest spaces per unit <u>1 for each one bedroom unit; 1.25 for each 2 bedroom unit; 2 per 3 or more bedroom unit</u>
Residential—multifamily residential	2 spaces per unit; plus .25 guest spaces per unit
Residential—single-family-detached residential	2 spaces per unit;
Residential—townhouse	2 spaces per unit; plus .25 guest spaces per unit
Residential—two-family residential	2 spaces per unit;
Transient Housing—shelters	1 per sleeping room plus 1 per employee
Watchman, manager or caretaker quarters—RV	1 per unit
Public And Institutional Type Uses	
Airport, airfield, heliport, related uses-public, private	Parking analysis
Community centers	Parking analysis <u>1 per 250 square feet</u>
Cultural and civic facilities - libraries, museums	Parking analysis <u>1 per 250 square feet</u>
Detention facility	Parking analysis
Educational facilities—college or university, private	Parking analysis

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Educational facilities—private (includes charter)	High school: 1 per 10 student stations above grade 9, 1 per faculty/staff members, 15 for visitors; middle/jr. high: 1 per faculty/staff member, 10 for visitors elementary: see middle/jr. high, visitors parking shall be minimum 5 percent of all other required parking
Educational facilities—public	Per state requirements
Educational facilities—technical, vocational, specialty	Parking analysis
Government facilities, including administrative, support and service	Parking analysis <u>1 per 300 square feet</u>
Hospital, private, public	Parking analysis <u>1 per first 300 beds and 1 additional per 2 additional beds, plus 1 per 3 employees and resident staff members</u>
Public parks and recreational facilities	Parking analysis
Public safety facility	Parking analysis
Sewage lift or pumping station	Parking analysis
Solid waste transfer station	Parking analysis
Transit station	Parking analysis <u>3 per 2500 square feet; 1 per additional 500 square feet; 3 per additional 5000 square feet</u>
Utilities and related facilities	Parking analysis
Water plant, waste water plant	Parking analysis
Vehicle Related Commercial Type Uses	
Car wash—enclosed	1 per 250 square feet of GFA; minimum of 3
Car wash—outside, hand wash	1 per 250 square feet of covered area(s); minimum of 3

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Parking garage, lot—commercial	Not applicable
Rental-automobile only	Parking analysis <u>3 per 2500 square feet; 1 per additional 500 square feet</u>
Rental-truck and other vehicles	Parking analysis
Transit, passenger and freight terminals <u>Bus charter service, passenger bus terminal</u>	Parking analysis <u>3 per 3000 square feet; 1 per additional 500 square feet; 3 per additional 5000 square feet</u>
Vehicle Fueling stations and sales	1 per 250 square feet of GFA
Vehicle major repair—mechanical, body	1 per 250 square feet of GFA
Vehicle minor repair—mechanical, service	1 per 250 square feet of GFA
Vehicle—arts sales and installation and service— new	1 per 250 square feet of GFA
Vehicle—parts sales and installation—used	1 per 250 square feet of GFA
Vehicle sales— <u>retail</u> , new automobiles	Parking analysis
Vehicle sales— <u>retail</u> , used automobiles	Parking analysis
<u>Vehicle sales – wholesale dealer, online, independent dealer.</u>	<u>1 per 2000 square feet (minimum 2 spaces are required)</u>
Recreation, Entertainment Type Uses	
Amusement parks, stadiums, arenas, Marinas	Parking analysis
Arcade, video games, electronic gaming	1 per 250 square feet of GFA <u>3 per 2500 square feet, 1 per additional 500 square feet</u>
Camp grounds, RV parks	1 per campsite or RV space

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Casino Gaming Facility	Parking analysis
Golf course , driving range	3 per hole; 1.5 per driving range station; other uses per these requirements
Golf, miniature	5 per hole; other uses per these requirements <u>3 per hole; other uses requirements</u>
Gun, pistol range, gun clubs, archery clubs— indoor, outdoor	Parking analysis
Race track- horse, dog, car	Parking analysis
Riding clubs—horses, off-road vehicles, motorcycles	Parking analysis
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities, bowling alleys—indoor	Parking analysis <u>1 per 250 square feet</u>
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities—outdoor	Parking analysis
Restaurant, Food And Beverage Service Type Uses	
Adult entertainment establishment	1 per 4 persons based on maximum capacity
Bar/lounge, <u>wine tasting room</u>	1 per 4 persons on maximum capacity
Catering Service	3 per 1,000 square feet of GFA
Nightclub, Discotheque, Club	1 per 4 persons based on maximum capacity
Microbrewery	1 per 1,000 square feet GFA dedicated to brewery operations 1 per 4 seats for restaurant, tasting room, outdoor seating areas
Restaurant—sports, amusement, coffee/sandwich shop, cafeteria, outdoor cafe	1 per 4 persons based on maximum capacity

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Places Of Public Assembly Type Uses	
Auction House—indoor	1 per 4 persons based on maximum capacity
Banquet hall	1 per 4 persons based on maximum capacity
Funeral Homes	1 per 4 persons based on maximum capacity
Place of religious assembly	1 per 4 persons based on maximum capacity
Private clubs, not public	1 per 4 persons based on maximum capacity
Theater (movie, performing arts)	1 per 4 persons based on maximum capacity
Commercial Type Uses	
Convenience store	1 per 250 square feet of GFA
Donated goods Center—new/used	1 per 250 square feet of GFA
Drug, Pharmacy store	1 per 250 square feet of GFA
Flea market	1 per 250 square feet of GFA
Food specialty store	1 per 250 square feet of GFA
Grocery store	1 per 250 square feet of GFA
Liquor package store	1 per 250 square feet of GFA
Pawn shop	1 per 250 square feet of GFA
Plant nursery, retail or wholesale	1 per 1,000 square feet of gross sales and storage area, interior and exterior
Retail—big box, club membership, department	1 per 250 square feet of GFA
Retail—general, single use	1 per 250 square feet of GFA
Retail—Home improvement, building	1 per 250 square feet of GFA

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materials	
Secondhand merchandise store/consignment store	1 per 250 square feet of GFA
Office Type Uses	
Call center	1 per 300 square feet of GFA
Office—business, sales, professional, semi-professional services	1 per 300 square feet of GFA
Office—medical office/medical clinic	1 per 250 square feet of GFA
Service Type Uses	
Animal grooming and pet sitting—indoor	1 per 300 square feet of GFA
Animal Hospital/Veterinarian clinic	1 per 300 square feet of GFA
Animal kennel, boarding	Parking analysis <u>1 per 2500 square feet, 1 per additional 500 square feet</u>
Animal shelters	Parking analysis <u>1 per 2500 square feet, 1 per additional 500 square feet</u>
Blood banks, diagnostic medical treatment centers	1 per 300 square feet of GFA
Check cashing, bill payments	1 per 300 square feet of GFA
Copy, printing center	1 per 300 square feet of GFA
Cosmetic Surgery, beauty clinics	1 per 300 square feet of GFA
Customer service center	1 per 300 square feet of GFA
Dry cleaning	1 per 300 square feet of GFA

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	<u>3 per 2500 square feet, 1 per additional 500 square feet</u>
Equipment and tool rental	1 per 300 square feet of GFA
Financial institution - banks, credit unions, investment brokerage establishments	1 per 300 square feet of GFA
Health club, fitness club	1 per 4 persons based on maximum capacity
Laundromat, self-service	1 per 300 square feet of GFA
Package shipping, mail service	1 per 300 square feet of GFA
Personal care services	1 per 300 square feet of GFA
Repair and service shop - general merchandise	1 per 300 square feet of GFA
Studios—photographic, and instructional	1 per 300 square feet of GFA
Tattoo parlor, body piercing	1 per 300 square feet of GFA
Other Uses	
Cemetery, mausoleums	Parking analysis
Crematory	1 per 4 based on maximum capacity
Wireless Antennas and support services	Parking analysis
Industrial Type Uses	
Distribution center	1 per 1,000 square feet GFA
Dry cleaning—commercial laundry plant	1 per 1,000 square feet of GFA
Industrial uses—heavy	1 per 1,000 square feet GFA; minimum 2 spaces

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Industrial uses—light	1 per 1,000 square feet GFA; minimum 2 spaces
Laboratory—medical, research, testing	1 per 250 square feet of GFA
Mining/extraction, rock quarry	Parking analysis
Outdoor Storage, open air storage (including vehicles)	1 per 5,000 square feet of lot area
Radio and transmitting station	1 per 1,000 square feet of GFA
Recycling facility, Refuse disposal	Parking analysis
Salvage yard, junkyard	1 per 5,000 square feet of lot area
Self-service storage facility	1 per 5,000 for first 20,000 square feet plus 1 per 10,000 square feet thereafter, plus 1 per 400 square feet of office plus 1 per manager's apartment; minimum of 5 per facility
Showrooms, retail sales	1 per 300 square feet of showroom area
Showrooms, wholesale sales	1 per 600 square feet of showroom area
Studio for movie, television, music production	Parking analysis
Warehouse	1 per 1,000 square feet of GFA
Agricultural Type Uses	
Farms—produce, livestock	Parking analysis
Greenhouses—nurseries, retail	Minimum of 8 up to first acre plus 1 per acre thereafter
Outdoor storage—agriculture	1 per acre *
Packing facilities—large	1 per 1,000 square feet of GFA or 1 per employee whichever is greater
Packing facilities—small	1 per 1,000 square feet of GFA or 1 per employee whichever is greater

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Produce stand, farmers market	Minimum of 3; 3 per 1,000 square feet of sales area
Seed drying facility	1 per 2,000 square feet of GFA or 1 per employee whichever is greater
Urban agricultural gardens	Parking analysis
Wineries, vineyards	1 per 2,000 square feet of GFA or 1 per employee whichever is greater

(Ord. No. 2010-10-218, § 2(12-80), 4-7-2010; Ord. No. 2013-19-307, § 2(Exh. A), 9-10-2013; Ord. No. 2016-14-360, § 2(Exh. A), 9-28-2016)

Sec. 34-382. - Dimensional requirements.

- (a) All off-street parking spaces shall be 8.5 feet in width and 18 feet in depth, unless modified in the table below based upon the angle at which the parking spaces intersect the drive aisle.
- (b) A minimum 25 feet spacing shall be required between the edge of pavement and a intersecting drive aisle or off-street parking space.
- (c) Dimensions for parking aisles and parking spaces for various angles of parking shall be as provided in figure 1 in this section. Two-way directional movement requires a minimum of 24 feet of wide aisle width regardless of parking angle and dimensions.

Figure 1: General Parking Dimensions						
A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall Depth	Aisle Width	Curb Length	Half Bay	Full Bay
0	8'6"	8'6"	12'0"	22'	20'6"	29'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"	44'8"
40	8'6"	18'1"	12'0"	13'3"	30'1"	48'2"
45	8'6"	18'9"	13'0"	12'0"	31'9"	50'6"
50	8'6"	19'3"	15'0"	11'1"	34'3"	53'6"

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60	8'6"	19'10"	18'0"	9'10"	37'10"	57'8"
70	8'6"	19'10"	20'4"	9'0"	40'2"	60'0"
75	8'6"	19'7"	20'10"	8'10"	40'5"	60'0"
80	8'6"	19'2"	21'8"	8'8"	40'10"	60'0"
90	8'6"	18'0"	24'0"	8'6"	42'0"	60'0"

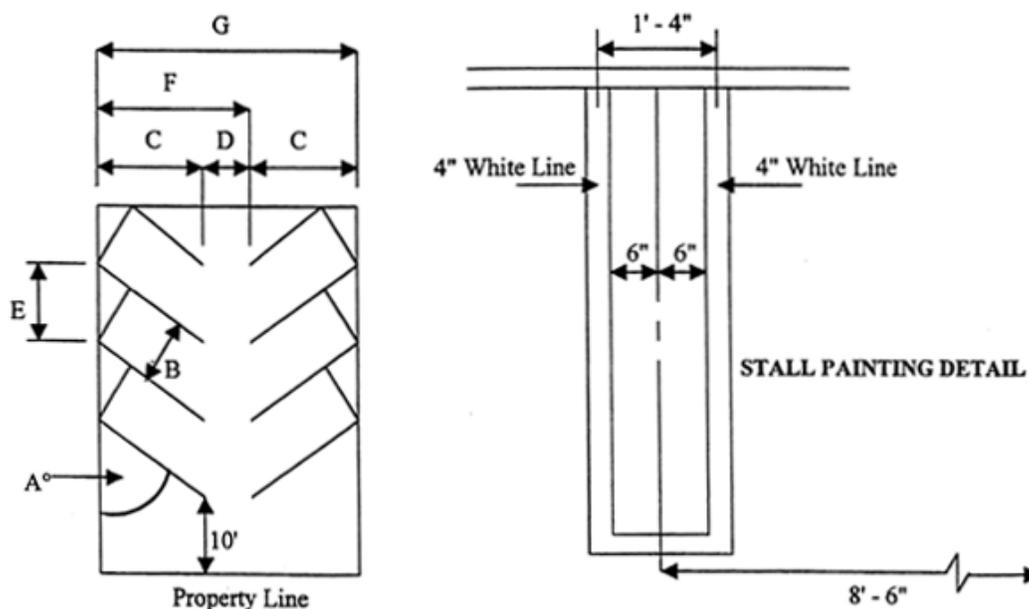


Figure 2: Tandem and Valet Parking

(d) *Tandem and valet parking dimensions.* Where tandem and valet parking is provided towards required off-street parking or as additional parking, such parking areas shall conform to the dimensional standards set forth in Figure 2. Except that the tandem parking stalls may be stacked no more than two spaces deep.

(e) *[Reserved.]*

(Ord. No. 2010-10-218, § 2(12-90), 4-7-2010; Ord. No. 2014-02-314, § 2(Exh. A), 1-8-2014; Ord. No. 2014-17-328, § 3, 10-8-2014)

Sec. 34-383. - Off-street loading spaces.

(a) Loading spaces for the delivery of goods and services shall be provided in compliance with the requirements of table 2 in this section. Each loading space shall be striped and marked as a "loading zone" and shall be a minimum of 12 feet wide by 25 feet long.

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Table 2: Minimum Loading Space Requirements		
Use Category	Gross Floor Area in SF	Loading Spaces
Office	0—1,000	0
	1,001—99,999	1
	100,000—149,999	2
	150,000 or greater	3
Commercial or Industrial	0—999	0
	1,000—49,999	1
	50,000—99,999	2
	100,000 or greater	3

(Ord. No. 2010-10-218, § 2(12-100), 4-7-2010)

Sec. 34-384. - Parking for the disabled.

Parking for disabled persons shall be provided as required by state statutes.

(Ord. No. 2010-10-218, § 2(12-110), 4-7-2010)

~~Sec. 34-385. - Parking for persons transporting young children.~~

~~(a) Spaces required. Parking spaces specifically designed for persons transporting young children under the age of three shall be required for commercial uses as set forth in table 3 in this section.~~

Table 3: Required Stroller Parking	
Total Parking Spaces Required	Number of space for persons transporting young children
Up to 100	0
101—500	2

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501—1,000	3
Over 1,000	One additional space for each 500 parking spaces over 1,000

- ~~(b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for physically disabled persons; provided parking spaces designated for physically disabled persons shall take precedence.~~
- ~~(c) *Signage and markings.* Parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint and posted with an approved permanent above-ground sign which shall not exceed seven feet above grade in height.~~
- ~~(d) *Permit required.* The use of parking stalls designed for parking for transporting young children shall require a permit issued by the city. Said permit shall be obtained from submitting the application on a form approved by the city accompanied by fee established in the city's fee schedule subject to meeting the minimum requirements of issuance of a permit as established by the city.~~

~~(Ord. No. 2010-10-218, § 2(12-120), 4-7-2010)~~

Sec. 34-385. – Veterans Parking.

- (a) *Spaces required.* One parking space specifically designated for veterans shall be required for all commercial uses with 50 parking spaces or more.
- (b) *Signage and markings.* Veterans parking space shall be prominently posted with an approved permanent above-ground sign which shall not exceed seven feet above grade in height.



Figure 3: Approved permanent above-ground sign

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Sec. 34-386. - Bicycle parking.

A minimum of one bicycle rack with a capacity to hold at least five bicycles shall be provided on properties with 50 vehicular parking spaces or more. An additional bicycle rack shall be provided for each additional 50 parking spaces required, up to a maximum of three bike racks or 15 bicycle spaces. Bicycle racks shall be located adjacent to the primary building they are intended to serve, as close to the entrance as is practicable.

(Ord. No. 2010-10-218, § 2(12-130), 4-7-2010)

Sec. 34-387. - Shared parking.

- (a) *Defined*. Shared parking occurs when one or more required parking spaces are shared by more than one use. Shared parking may be proposed in conjunction with development approval and shall comply with the methodologies and standards set forth herein.
- (b) *Number of spaces*. The determination of the required number of parking spaces for a specific use under an approved shared parking program shall be based upon the minimum required parking spaces set forth in section 34-381. The methodology for calculating the required parking for a use under a shared parking program shall be as follows:
 - (1) Multiply the minimum parking requirement for each individual use, as provided in table 1 in section 34-381 by the appropriate percentage in table 4 in this section for each of the five designated time periods.
 - (2) Add the resulting sum for each of the five vertical columns in the table.
- (c) *Minimum requirement* . The minimum requirement for shared parking is the highest sum among the five columns resulting from the calculation in subsection (a)(1) of this section.
 - (1) Shared parking shall not result in a reduction of more than 25 percent from the minimum parking required without shared parking.
 - (2) Parking spaces which are reserved for use by specified individuals, classes of individuals or specified businesses shall not be counted toward meeting shared parking requirements.
 - (3) Reserved parking for the disabled shall not be counted towards meeting shared parking requirements.
- (d) *Shared parking agreement* . The owner or owners of record of a property for which shared parking is requested shall be responsible for preparing a written agreement between the owners of the properties sharing parking and the city, indicating the terms under which the shared parking shall be used. The agreement shall be approved by the city attorney and shall be recorded in the county official records. The owners of record shall update the shared parking agreement to address any change in the uses identified in the agreement which would cause an increase in peak parking demand, or a finding of any other related change in conditions by the administrative official. The modified agreement shall be subject to the review and approval of the administrative official.
- (e) *Other methodologies for the calculation of shared parking requirements*. In lieu of using table 4 in this section, the minimum total number of required parking spaces may be determined using other acceptable methodologies, as reviewed and approved by the administrative official.
- (f) *Single-family residential*. Single-family residential uses shall not be eligible for shared parking.

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Table 4—Percent Demand for Parking by Use and Time of Day					
Uses	Night	Weekday		Weekend	
	12:00 a.m.— 7:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.	7:00 a.m.— 6:00 p.m.	6:00 p.m.— 12:00 a.m.
Residential	100%	60%	90%	80%	90%
Office/Industrial	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	55%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	70%	100%
Places of Public Assembly	50%	40%	50%	100%	100%
All Others	100%	100%	100%	100%	100%

Source: Shared Parking, Urban Land Institute

(Ord. No. 2010-10-218, § 2(12-140), 4-7-2010)

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

Sec. 34-439. — In general:

- (a) ~~*Purpose and intent.* The purpose and intent this article is to provide regulations for the installation and maintenance of landscaping and landscaped open space, to utilize landscaping and landscaped open space as an effective means of conserving energy, to preserve open space, to maintain and improve the aesthetic quality of the city, thereby promoting the health and general welfare of, and increase the quality of life of residents, businesses, and visitors. In addition, it is the policy of the city council to encourage lush landscape and buffering and maximum greenery, and to preserve and maintain natural vegetative communities, and maintain and conserve all natural and conservation areas within the city, as identified in the city's comprehensive plan, in as much as:~~
- ~~(1) The city's comprehensive development master plan identifies the areas of natural vegetation within city boundaries. The loss of these natural areas by indiscriminate removal of this vegetation adversely affects the public health, safety and general welfare.~~
 - ~~(2) Protecting natural vegetation also promotes wildlife habitat, maintains the natural character of neighborhoods, preserves the natural diversity of species, and recognizes the numerous beneficial effects of native trees and sound landscaping practices.~~
 - ~~(3) The city also recognizes that trees and landscaping assist in reducing flooding from stormwater runoff, increase aquifer recharge, provide shade for residents and businesses, and reduce heat and noise pollution.~~
 - ~~(4) Requiring sound landscaping practices, minimizing the loss of native trees and vegetation, and establishing a robust and uniform natural landscape in the city all increase the quality of life for residents and businesses.~~
- (b) ~~*Applicability; and compliance of nonconforming developments.* The landscaping and buffering requirements of this article shall apply to all development within the city. Existing developments that become nonconforming at the effective date of adoption of the Land Development Regulations shall be subject to compliance as follows:~~
- ~~(1) Existing 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 conformity for landscaping and buffering requirements, as set forth in subsection 34-59(d).~~
 - ~~b. Developments that have obtained a vested rights determination.~~
 - ~~c. Developments that have obtained a certificate of legal conformity for landscaping as set forth in subsection 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 land development regulations.~~
 - ~~e. Industrial developments in the I-1, and I-2 districts legally existing at the adoption of this LDR 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 22 shade trees per net acre.~~

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~~Additionally, such developments shall not be required to comply with the landscape islands in-off-street parking areas requirement.~~

- ~~(2) Existing developments that become nonconforming 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 years from March 1, 2011; obtain landscape approval or obtain a certificate of landscape and buffering conformity as outlined in subsection 34-439(b)(1)a. within four 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 years from March 1, 2011.~~

~~(Ord. No. 2010-10-218, § 2(14-10), 4-7-2010; Ord. No. 2011-02-244, § 2(App. A), 3-2-2011)~~

~~Sec. 34-440. Landscape permit required.~~

~~Prior to the issuance of a building permit, a landscape plan shall be submitted to and approved by the administrative official or his designee, except that city installation of landscape and related improvements in rights-of-way.~~

- ~~(1) *Permit application.* The applicant must file an application for a landscape permit to the planning and zoning department in a form approved by the administrative official containing all the information necessary which may include, but not be limited to, the following.~~
- ~~(2) *Landscape plan required.* The landscape plan shall be drawn to a scale not less than 1 inch: 30 feet, including dimensions, areas and distances, and clearly delineate the existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, coverage of required irrigation systems, water outlet locations and the location and size of buildings. The plan shall also designate, by name, size and location, the plant material to be installed, or if existing, to be used in accordance with the requirements hereof. No permit shall be issued for such building unless such landscape plan complies with the provisions herein. Only the design professional whose seal is affixed to the landscape plan or his designee may make minor modifications to the landscape plans. In R-1, R-2 districts only, a landscape plan is not required, but shall be in the form of a plot plan or drawing that may be prepared by the owner or the owner's representative showing required landscaping detail, including quantity, size and location. A landscape permit is required for all landscape installations including new single-family homes that are not part of a planned community. No trees or other plant material may be planted in public rights-of-way (swale areas) without a landscape permit from the city.~~
- ~~(3) *Vegetation survey.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall provide the following information.~~
- ~~(4) *Location and graphic representation.* The accurate location and graphic representation by size DBH, canopy, and type of tree, in relation to existing development of all existing trees of a minimum two inches DBH or ten feet in height or, for native trees, of a minimum 1½ inches DBH or eight feet in height, including those which are proposed to be removed, relocated or preserved on-site in accordance with the requirements of landscape regulations.~~

~~The boundaries of any native habitat, native plant community, native plant species, and/or natural forest community and associated understory that exists on-site, as determined by the planning and zoning administrative official.~~

- ~~(5) *Table.* A table showing the following information:~~
- ~~a. The scientific and common name of each tree, each of which shall be numbered;~~
 - ~~b. The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all;~~

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- ~~c. Estimated height, canopy cover, and physical condition of each tree, and whether specimen trees exist on-site;~~
 - ~~d. Common areas within residential zoning districts, such as amenity centers, project entrances, and miscellaneous open spaces including but not limited to tot lots and recreation areas, shall have a minimum of one tree and 20 shrubs for each 2,000 square feet of site area or portion thereof, and shall not be utilized for structures or vehicular use areas;~~
 - ~~e. Common areas within a private community;~~
 - ~~f. All ground-mounted mechanical equipment, storage areas, walls, fences, and common trash receptacles shall be screened from view using trees, shrubs, and/or hedges in addition to the common area requirement noted above.~~
- ~~(6) Irrigation plan required.~~
- ~~a. *Single-family residence, duplex residence.* Irrigation shall be provided for all landscape areas for single-family or duplex dwelling, and shall include irrigation for swale areas. The irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area to be irrigated, locations and specifications of lines and heads and pump specifications.~~
 - ~~b. *Other development.* Irrigation shall be provided for all landscape areas, including swale areas. A irrigation plan shall be required to show the following:~~
 - ~~1. Be drawn on a base plan at the same scale as landscape plans.~~
 - ~~2. Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features.~~
 - ~~3. Include water source, design, operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.~~
 - ~~4. Include locations of pump pipes, controllers, valves, sprinklers; back flow prevention devices, rain sensor/shutoff devices and electrical supply and irrigation details.~~
 - ~~5. Delineate landscape areas, major landscape features, and hydrozones.~~
 - ~~6. New single-family or duplex residence.~~
- ~~(7) *Drip line encroachment plan.* This plan shall be presented as part of the tree permit and shall be required for all trees whose drip line is planned to be encroached upon by any construction, excavation, fill or other activities associated with the development of the site. It shall include:~~
- ~~a. Designation of each tree subject to any drip line encroachment;~~
 - ~~b. The reasons for the encroachment;~~
 - ~~c. Detailed description of the proposed efforts to protect the tree from damage due to the encroachment; and~~
 - ~~d. A plan to ensure its survivability as described in the Builder's Manual of Department of Agriculture.~~
- ~~(8) *Consideration of credits for existing plant material.* In instances where healthy plant material exists on a site, and is to be retained, the administrative official or his designee may adjust the application of the minimum requirements to allow credit for or consideration of such plant material, if such an adjustment is in keeping with and will preserve the intent of this chapter. When allowances are given, in no case shall the quantities of existing plant materials retained be less than the quantities required in this chapter. In such cases, the applicant shall provide a survey specifying the species, approximate height and caliper, as well as the location and condition of any plant material used as a basis for requesting this adjustment. Any adjustment~~

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~~shall be based on unique circumstances applicable to the plot in question with the object of such adjustment being to preserve existing vegetation or to maintain a tree canopy.~~

~~(Ord. No. 2010-10-218, § 2(14-20), 4-7-2010)~~

~~Sec. 34-441. Landscape plan review criteria.~~

~~(a) *Landscape plan review criteria.* Landscape plans shall be reviewed in accordance with the following criteria:~~

- ~~(1) *Compliance with chapter.* Compliance with all applicable regulations set forth in this chapter.~~
- ~~(2) *Landscape design.* Landscape design shall enhance architectural features, relate structure design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from major roadways and incompatible uses, strengthen important vistas and reinforce neighboring site design and architecture.~~
- ~~(3) *Preservation requirement.* Existing specimen trees and native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and to all applicable requirements of these landscape regulations.~~
- ~~(4) *Water conservation.* In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource needs. Plants with similar needs shall be grouped in hydrozones. Adequate growth area based on natural mature shape and size shall be provided for all plant materials.~~
- ~~(5) *Use of native plant species.* The plan shall include use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the reestablishment of native habitats shall be incorporated into the landscape plan.~~
- ~~(6) *Planting in energy conservation zone.* Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.~~
- ~~(7) *Street trees.* Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.~~
- ~~(8) *Planting material near utility lines.* Special attention shall be given to the use of appropriate species located under, or adjacent to, overhead power lines, near native plant communities, and near underground utility lines. Adequate growth area shall be provided for all plant materials.~~
- ~~(9) *Avoidance of visual obstructions.* Landscaping shall be designed to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks.~~
- ~~(10) *Historic landscapes and features.* Historic landscapes and landscape features designated by local, state or federal governments shall be preserved.~~

~~(Ord. No. 2010-10-218, § 2(14-30), 4-7-2010)~~

~~Sec. 34-442. Issuance of landscape permit.~~

~~The administrative official shall approve, approve with conditions, or deny the permit application. A denial of the permit application may require the applicant to provide additional information or an alternative plan for consideration.~~

~~(Ord. No. 2010-10-218, § 2(14-40), 4-7-2010)~~

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~~Sec. 34-443. Issuance of certificate of occupancy.~~

~~The administrative official or his designee shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.~~

- ~~(1) Certification of landscape compliance required. A preparer's certificate of landscape compliance bearing the original letterhead of the designing firm and licensing number shall be submitted to and approved by the planning and zoning administrative official prior to issuance of any final certificate of occupancy. The preparer's certification of landscape compliance shall contain a statement signed and sealed by the landscape architect or by persons authorized to prepare plans, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of these landscape regulations have been met. Any changes or substitutions to the approved plan shall be approved by the planning and zoning administrative official prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies and a revision shall be submitted and approved before installation. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of these landscape regulations.~~
- ~~(2) For a new single-family or duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation improvements have been installed according to approved plans.~~

~~(Ord. No. 2010-10-218, § 2(14-50), 4-7-2010)~~

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

- ~~(a) *Landscape manual reference.* The city's landscape manual, which from time to time may be revised, and said landscape manual shall be made available to the public, as referenced in this chapter, and shall provide an illustrative and descriptive interpretation of the standards set forth in this chapter and suggested guide for landscaping and irrigation in accordance with the standards and requirements of this chapter. All plant material and installation requirements shall be consistent with the landscape manual. When street, shade, palm, trees, and hedging, sods and other vegetation are referenced in this article, same shall be installed shall be consistent species as with those species listed in the landscape manual, unless otherwise specified.~~
- ~~(b) *No variance or waiver.* No variance or waiver of these requirements shall be authorized, except that an administrative variance in as set forth in section 34-49 for a contribution of funds in lieu of compliance may be granted.~~
- ~~(c) *Exception.* Owners or developers of large scale projects comprising 40 or more acres may be permitted to satisfy this section by making all practical attempts to meet the requirements of this section, but when not practical to do so, may satisfy this requirement by making a monetary contribution, in accordance with subsection (d) of this section, in an amount to be determined by the city. All such exceptions shall be approved by the city manager.~~
- ~~(d) *Contribution of funds in lieu of compliance to the standards.* Where a landscape or buffering requirement set forth in this article cannot be complied with, a waiver to contribute funds in lieu of complying with the requirement may be applied for as a administrative variance or waiver as set forth in section 34-49. The contribution shall be based upon the prevailing cost of the landscaping materials and labor costs on sources 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 landscape and buffering installation in the city. If a contribution of funds in lieu of the landscape and buffering requirement is granted, such requirement shall be required prior the recordation of the plat, or prior to the issuance of building permit for any development on the property.~~

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~~(e) Prohibited and controlled tree species. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.~~

~~(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	G P	EO
Shade trees	Min. 3-per lot	Min. 3-per lot	28 per net acre	N/A	28 per net acre							
Shade trees—off street parking areas	N/A	N/A	1 per req. landsc ape island	N/A	1 per req. landsc ape island							
Street trees	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	1 per 25' lot front age	N/A	1 per 25' lot front age
Shrubs/Hedging	Min. 10 per req. shade tree	10 per req. tree per req. shade tree	10 per req. tree	10 per req. tree	10 per req. tree	10 per req. tree	10 per req. tree	10 per req. tree	10 per req. tree	10 per req. tree	N/A	10 per req. shade tree
Knee wall, off-street	N/A	N/A	Requir	N/A	Requir							

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parking areas			ed	ed	ed	ed	ed	ed	ed	ed	A	ed	
Sod, lawn area, ground cover	Min. 50%	Min. 50%	Required	Required	Required	Required	Required	Required	Required	Required	N/A	N/A	Required
Landscape open space	N/A	N/A	Min. 20%	Min. 30%	Min. 18%	Min. 30%	Min. 10%	Min. 10%	Min. 30%	Min. 20%	N/A	Min. 18%	
Common open space	N/A	N/A	Min. 20%	N/A	N/A	N/A	N/A	N/A	Min. 30%	N/A	N/A	N/A	
Landscape buffers— front yard/ROW	N/A	N/A	Min. 10'	Min. 10'	Min. 11'— 21'*	Min. 10'	Min. 5'	Min. 5'	Min. 10'	Min. 10'	N/A	Min. 11'— 21' max.	
Landscape buffers— side yard	N/A	N/A	Min. 5'	Min. 5'	Min. 0'— 10'*	Min. 5'	N/A	Min. 0'— 10' max.					
Landscape buffers— rear yard	N/A	N/A	Min. 10'	Min. 10'	Min. 7.5'— 10'*	Min. 10'	Min. 5'	Min. 5'	Min. 10'	Min. 10'	N/A	Min. 7.5'— 10' max.	
Landscape buffers— off-street parking areas	N/A	N/A	Min. 7'	Min. 7'	Min. 0'— 10'*	Min. 7'	N/A	Min. 0'— 10' max.					
Landscape islands— off-street parking	N/A	N/A	1 per every 10 req.	1 per every 10 req.	1 per every 0—10 req.	1 per every 10 req.	N/A	1 per every 10 req.					

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areas			parkin g spaces	parkin g spaces	parkin g spaces *	parkin g spaces	parkin g spaces	parkin g spaces	parkin g spaces			parkin g spaces
Fence, wall, hedge heights— maximum	Max. 6'-4' front yard; hedg es-8'	Max. 6'/ma x-4' front yard	Max. 6'; hedge s-8'	Max. 8'; hedge s-8'	Max. 8'; hedge s-8'	Max. 8'; hedge s-8'	Max. 8'; hedge s-8'	Max. 8'; hedge s-8'	Max. 8'; hedge s-8'	Max. 6'; hedge s-8'	N/ A	Max. 8'; hedge s-8'
* denotes requirements subject to obtaining incentive bonus in PCD district in accordance with sections 34-531, 34-532 and 34-562.												
** denotes additional requirements are applicable as set forth in article XVI of this chapter.												
*** denotes exceptions in the I-1, I-2 zoning districts as set forth in subsection 34-439(b)(1)e.												

(Ord. No. 2010-10-218, § 2(14-60), 4-7-2010; Ord. No. 2011-02-244, § 2(App. A), 3-2-2011; Ord. No. 2014-02-314, § 2(Exh. A), 1-8-2014; Ord. No. 2015-03-333, § 2(Exh. A), 3-25-2015)

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

The generalized table of landscape and buffering requirements are subject to extra requirements and subject to certain exceptions. All landscaping and buffering shall be in compliance with the following standards:

- (1) ~~Shade trees.~~ All developments shall provide the required number of shade trees in compliance with the following standards:
 - a. ~~All trees, shall be a minimum of 12 feet high and have a minimum caliper of three inches at time of planting and four feet of clear trunk;~~
 - b. ~~30 percent shall be native species;~~
 - c. ~~50 percent shall be low maintenance and drought tolerant; and~~
 - d. ~~No more than 30 percent of required shade trees shall be palms, where every three palms shall equal one required shade tree;~~
 - e. ~~Minimum species diversity standards. When more than ten trees are required to be planted in accordance with the provisions of this division, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards, except that applicant shall not be required to plant in excess of six species:~~

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Table 2 Minimum Diversity Standards	
Required Number of Trees	Minimum Number Species
11—20	2
21—50	4
51 or more	6

f. ~~Eighty percent of the trees used shall be listed in the city's landscape manual.~~

1. ~~Residential shade trees. Trees shall be planted to as to provide shade to residential structures that are of a height of 35 feet or less. At least two required shade trees shall be positioned in the energy conservation zone as defined herein this chapter. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the city's landscape manual.~~
2. ~~Shade trees, off-street parking areas. A minimum of one shade tree shall be provided per required landscape island in parking lots. The provision of shade trees in off-street parking areas shall count towards the required number of shade trees, otherwise required.~~
3. ~~Shade trees, grassed areas. Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted as part of the net lot area for the purpose of calculating tree requirements.~~

(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 within seven 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. Appropriate types of street trees shall be in compliance as listed in the landscape manual.~~
- 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.~~

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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.~~

~~(3) Shrubs, hedging. A continuous, extensively planted greenbelt of shrubs and hedging shall be provided along all property lines abutting a public rights-of-way in accordance the following minimum standards, except as permitted as set forth in section 34-446:~~

- ~~a. All shrubs shall be a minimum of 18 inches in height when measured immediately after planting. Shrubs shall be provided at ratio of ten per required tree. Of the provided shrubs at least:
 - ~~1. 30 percent shall be native species;~~
 - ~~2. 50 percent shall be low maintenance and drought tolerant; and~~
 - ~~3. 80 percent shall be listed in the city's landscape manual.~~
 - ~~4. When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of 30 inches on center or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one year after time of planting, except penetrated only at approved points for ingress or egress to the property. Shrubs used as a buffer, visual screen, or hedge need not be of the same species;~~
 - ~~5. The height of any hedge shall not exceed eight feet in height;~~
 - ~~6. Hedges may be placed on the property lines; however, this regulation shall not be construed to permit such hedges to extend beyond the official right-of-way lines or property lines.~~~~

~~Exception: In PCD, hedge not required to be continuous pursuant to section 34-589.~~

~~(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.~~

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- ~~g. Exception. The knee wall requirement set forth in this section shall only apply to properties that have off-street parking areas abutting a principal arterial and minor arterial roadways, as depicted on the city's adopted comprehensive development master plan map FLU-1-7.~~
- ~~(5) Sod, lawn areas, ground cover. All residential lawn areas, landscape open spaces and landscape buffers shall be planted with sod, lawns, or ground cover in compliance with the following standards:~~
- ~~a. Sod and lawn areas. Sod and lawns shall be planted in a species well adapted to localized growing conditions in the city. Lawn areas may be sodded, plugged, sprigged, hydro mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, over seeding shall be sown for immediate effect and protection until coverage is otherwise achieved. Developers are encouraged to have at least 40 percent of open area reserved as lawn areas.~~
- ~~b. Ground covers. Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.~~
- ~~Other materials, species, construction of ground covers in lieu of grass may also be permitted providing such meets the approval of the administrative official.~~
- ~~(6) Private open space.~~
- ~~a. Private open space is required for each single-family residence, each duplex unit, each attached unit (townhouse) or detached unit that has direct ground floor access. Said space shall be for the exclusive recreational or leisure use of the inhabitants of the dwelling unit, and shall be located immediately adjacent to the unit, and designed in such a way as to provide privacy from adjacent dwelling units.~~
- ~~b. Said private open space shall be in addition to the common open space required and the amount of such space shall be 500 square feet of each attached unit (townhouse) or each duplex unit, and 800 square feet for each single-family detached unit.~~
- ~~Provisions shall be made in the sale or rental of such units that such private open space is for the exclusive use of the unit concerned.~~
- ~~(7) Landscape open space. Developments shall provide the minimum open landscape areas in compliance with the following standards:~~
- ~~a. The required landscape open space shall be calculated on the net lot area.~~
- ~~b. The provision of all sod, lawn area, ground cover, landscape buffers, off-street parking landscape islands shall be computed towards the required landscape open space requirement.~~
- ~~c. Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than 20 percent of the required open space.~~
- ~~d. The specific areas within enclosed or unenclosed building areas which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten percent of the required landscaped open space.~~
- ~~e. Landscape open space areas may also include tree preservation zones of "natural forest communities" as defined in section 26B-1 of the county Code.~~
- ~~f. Private open space shall not be computed towards the required landscape open space requirements.~~
- ~~(8) Common open space. Common open space shall be provided in compliance with the following:~~

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- a. ~~Of the required common open space 50 percent of said space may be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, play areas, sports fields and other similar uses.~~
 - b. ~~The remaining 50 percent may be used as swimming pools, tennis courts, shuffleboards, pedestrian walks, entrance features, recreation buildings, playgrounds, picnic areas, maintenance buildings for the common areas, and other recreational uses that are and shall be for the general use of all residents and visitors of the development.~~
- (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:~~
- a. ~~Encumbrances. Buffers may be encumbered by site infrastructure improvements, utilities, but may not be encumbered by any accessory structure.~~
 - b. ~~Fences and walls. Buffers may be encumbered by fences and walls in compliance with this chapter.~~
~~Exception: In PCG, buffers may be reduced or eliminated through incentive bonuses.~~
- (10) ~~Off-street parking areas.~~
- a. ~~Landscape buffers abutting front-end parking shall require protection from vehicular encroachment by placing curbing (type D or F) or car stops at perimeter parking at least two feet from the edge of such landscaped areas. Other landscaped areas abutting curved or angular drives shall be curbed. Where the landscape easement abuts onsite vehicular use areas such as traffic lanes, the landscape easement shall be separated from the traffic lanes by continuous concrete curbing with an 18-inch depth below grade. Extruded curbing installed on top of the paving is prohibited. Landscaped areas or islands shall contain clean fill and topsoil to at least the top of the curb.~~
 - b. ~~Exceptions. Where a setback of less than the required buffer areas is permitted the landscape buffer shall be reduced accordingly.~~
 - c. ~~Landscape islands, off-street parking areas. Landscape islands shall be provided within off-street parking areas in compliance with the following standards, except as set forth in section 34-532:~~
 - 1. ~~Landscape islands shall be calculated as one island per every ten required parking spaces; such requirement shall be rounded down to the nearest ten parking spaces; except as provided in section 34-532 for properties zoned PCD.~~
 - 2. ~~Landscape islands shall be spacing may vary, but shall not be spaced more than 15 parking spaces apart, except as provided in section 34-532 for properties zoned PCD.~~
 - 3. ~~Landscape islands shall be a minimum of five wide, less any curbs, and shall be a minimum length of 13.5 feet in length less any curbs.~~
 - 4. ~~Landscape islands shall be computed towards the required open space requirement.~~

~~(Ord. No. 2010-10-218, § 2(14-70), 4-7-2010; Ord. No. 2011-02-244, § 2(App. A), 3-2-2011; Ord. No. 2011-21-263, § 6, 10-5-2011; Ord. No. 2014-02-314, § 2(Exh. A), 1-8-2014)~~

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

- (a) ~~Public safety. No fence, wall or hedge shall be constructed or maintained within three feet of a fire hydrant, water connection, or other emergency apparatus placed for the purpose of fire protection. Fences, walls or hedges shall not be placed within the area required by applicable fire and life safety~~

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~~codes to be clear and unobstructed for passage of emergency vehicles or for the ingress and egress of persons or animals.~~

- ~~(b) *Special fence prohibitions.* No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district. The top surface of any chain link or cyclone fence shall be crimped to eliminate the exposure of sharp edges. All other use of barb wire, electrical elements or other hazardous materials shall only be allowed after administrative variance or waiver approval as set forth in section 34-40.~~
- ~~(c) *Permits required.* All fences, walls, or hedges, shall comply with appropriate zoning clearance and building permit procedures. An certificate of occupancy or certificate of use shall not be issued until all required fences, walls, or screening hedges are erected, constructed, or installed.~~
- ~~(d) *Maintenance.* All fences and walls shall be maintained in a safe and nonhazardous condition.~~
- ~~(e) *Location on property lines.*
 - ~~(1) Except as hereinafter restricted, all walls, fences or hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences to extend beyond the official right-of-way lines or property lines.~~
 - ~~(2) No fence, wall, gate, or opening shall be permitted to swing, roll or otherwise encroach into the right-of-way.~~
 - ~~(3) In PCD, NC, OF districts the installation of all fences, walls abutting a right-of-way shall be setback a minimum two feet from the property line and shall be landscaped accordingly with continuous hedge, street trees as set forth in this section, except that off-street parking areas abutting rights-of-way shall comply with landscape and buffering and wall requirements set forth in this section.~~~~
- ~~(f) *Chainlink fence prohibited in all districts front yards, side street yards.* Notwithstanding anything in the code to the contrary, chain link fences in shall be permitted only behind the front building line, and shall not be permitted along property lines abutting side streets. It is provided, however, that the aforementioned restriction on chain link fences shall not apply in I-1, I-2, GP, or AU zoning districts with bona fide agricultural use,~~
- ~~(g) *Increase and decrease of height.* Fence, wall, and hedge heights shall be increased, or decreased for compliance with the following:
 - ~~(1) *Double frontage lots.* When a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots as set forth in this chapter, such fence or wall may be increased to a height of eight feet, if not otherwise permitted in the underlying zoning district.~~
 - ~~(2) *Height at intersection.* Fences, walls, or hedges shall not exceed 2.5 feet in height within the safe sight distance triangle, as defined herein this chapter.~~
 - ~~(3) *Height limitation.* The height of fences, walls, and hedges shall not exceed 2.5 feet in height within ten feet of the edge of driveway leading to a public right-of-way, except that in the R district a fence may be permitted up to the maximum permitted height providing such fence has is a maximum 25 percent opaque, and no other structures or portions of the fence, wall interferes with the safe distance visibility triangle.~~
 - ~~(4) *Fences for tennis courts; fences and walls for other recreational uses.* Fences, and walls for tennis courts may be erected up to 14 feet in height if such fence conforms to accessory use setbacks. Fences and/or walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted of a height necessary for the particular use if required accessory use setbacks are observed.~~~~
- ~~(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~~

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~~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 percent of the permitted height of the fence or wall.~~

- (i) ~~Safe distance triangle. The safe sight distance triangle area shall not contain obstructions to cross-visibility at a height of 2.5 feet or more above pavement; potential obstructions include, but are not limited to, structures, grass, ground covers, shrubs, vines, hedges, trees, rocks, walls and fences. The following table represents minimum criteria for determining the required area of cross-visibility:~~

Table 3: Safe Sight Distance Triangle			
Functional Classification of Through Street	Required Visibility		
	Left (ft.)*	Right (ft.)*	Depth on Minor Street (ft.)**
Local	0	0	0
(50-foot or less right-of-way)	(triangle lies within public right-of-way)		
Collector	190	40	7
(60-foot—70-foot right-of-way)			
Arterial	260	40	7
(80-foot or over right-of-way)			

~~Visibility distances measured from center line of minor street, along right-of-way line of through street.~~

~~Depth visibility on minor street measured from right-of-way line of through street, along center line of minor street (public or private street).~~

~~Table interpretations and waivers of the above requirements shall be made in writing by the director of the public works department.~~

- (j) ~~Wall or fence required between dissimilar land uses. Where dissimilar land uses abut to are adjacent to each other a six-foot-high wall or fence meeting the approval of the administrative official shall be provided along common property lines, except that, if the dissimilar land uses are separated by a right-of-way. Where an adjacent or abutting property is undeveloped land, the requirement of the wall shall be not be required until such time the unimproved land is developed at which time the determination of whether a determination of dissimilar land uses shall be made by the administrative official. In this event, the requirement of the wall shall be borne to the developer of the unimproved land.~~

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- ~~(k) *Height between different districts.* Notwithstanding any provisions in this chapter to the contrary, where an RU district abuts another district, a fence, wall or hedge on the RU property may be erected, or maintained on the common property line of the height permitted in the abutting district.~~
- ~~(l) *Exterior finish of walls.* When a CBS wall is installed it shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted. If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing addresses as listed in the most current county tax roll, and the mailing was returned undeliverable or the adjacent property owners failed to respond to the request within 30 days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.~~
- ~~(m) *Required safety barriers for swimming pools.*~~
- ~~(1) *Required for final inspection of pool.* No final inspection and approval for a swimming pool shall be given by the department, unless there has been erected a safety barrier as hereinafter provided. No pool shall be filled with water unless a final inspection has been made and approved, except for testing purposes as may be approved by the department of planning and zoning.~~
- ~~(2) *Types permitted.* The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.~~
- ~~(3) *Height.* The minimum height of the safety barrier shall be not less than four feet.~~
- ~~(4) *Location of barrier.* The safety barrier shall be erected either around the swimming pool or around the premises or a portion thereof on which the swimming pool is erected. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Pools located in enclosed structures or on the roofs of buildings shall not require the installation of barriers as required herein.~~
- ~~(5) *Gates.* Gates shall be of the spring lock type, so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.~~
- ~~(6) *Permits.* Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of this chapter. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier, provided however, that in lieu of the permit for a safety barrier, a written statement from the owner certifying that he understands and agrees that the pool cannot be used or filled with water until a permit has been obtained for an approved safety barrier and such barrier erected, inspected and approved will be acceptable. This certification, however, will not eliminate the need for obtaining a permit and erecting an approved barrier prior to final inspection and use of the pool. If the premises are already enclosed, as hereinbefore provided, permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier and gates are proven to be satisfactory.~~
- ~~(7) *Wooden fences.* In the wooden type fence, the boards, pickets, louvers, or other such members, shall be spaced, constructed, and erected, so as to make the fence nonclimbable and impenetrable.~~
- ~~(8) *Walls.* Walls, whether of the rock or block type, shall be so erected to make them nonclimbable.~~
- ~~(9) *Wire fences.* Wire fences shall be the two inch chain link or diamond weave nonclimbable type, or of an approved equal, with top rail, they shall be of a heavy, galvanized material.~~

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- ~~(10) *Refusal of permit.* It shall be within the discretion of the administrative official to refuse approval of an barrier which, in his opinion, does not furnish the safety requirements of this section.~~
- ~~(11) *Maintenance.* It shall be the responsibility of the owner and/or occupant of the premises upon which the swimming pool is hereafter erected to maintain and keep in proper and safe condition the safety barrier required and erected in accordance with this chapter.~~

~~(Ord. No. 2010-10-218, § 2(14-80), 4-7-2010; Ord. No. 2014-02-314, § 2(Exh. A), 1-8-2014)~~

~~Sec. 34-447. Tree preservation and protection permit.~~

- ~~(a) *Applicability.* These tree preservation and protection regulations ("tree regulations") shall be a minimum standard for the protection, removal and relocation of trees and shall be enforced by the city.~~
- ~~(b) *Tree removal and relocation permits required.*~~
- ~~(1) *Tree removal.* A tree removal permit is required for the removal or relocation of any tree in the city not specifically exempted below. It shall be unlawful for any person, unless otherwise permitted by the terms of these tree regulations to do tree removal work or to abuse, hat rack, or effectively destroy any tree, or to effectively destroy any understory in a natural forest community.~~
- ~~(2) *Illegal removal.* In addition to those penalties imposed in this article, trees that have been removed illegally shall be replaced on the basis of two caliper inches per each one caliper inch of tree removed [i.e., if a ten-inch caliper tree was removed, a total of 20 caliper inches shall be re-planted to comply with this provision]. Trees shall be replanted on-site and meet minimum standards for caliper and other provisions of these regulations, including height.~~
- ~~(3) *Penalties for violation of tree regulations.* In addition to all other applicable penalties set forth in this Code, the following additional penalties shall apply for violations related to tree removal and protection as set forth in this article. The following penalties shall be assessed for violations of this article:~~
- ~~a. *First offense with no prior knowledge.* Amount of fine is per tree and double the amount of canopy replacement required by code:~~
- ~~1. Less than 18-inch diameter at four-foot height \$500.00~~
- ~~2. 18 inches to 36 inches \$2,000.00~~
- ~~3. Greater than 36 inches \$3,000.00~~
- ~~b. *Second offense or prior knowledge.* Double the fines assessed for the first offense, or the fine that would have been required for the first offense in the case of prior knowledge. Double the amount of canopy replacement required by code if a permit had been issued.~~
- ~~c. *Subsequent offenses.* Triple the fine assessed for the first offense, or the fine that would have been assessed for the first offense in the case of prior knowledge. Double the amount of canopy replacement required by code if a permit had been issued.~~
- ~~(4) *Exceptions.* The following activities are exempt from tree removal permits,~~
- ~~a. Removal of any dead tree.~~
- ~~b. Removal of any of the tree species listed in the city's landscape manual as approved for removal without permit.~~
- ~~c. Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located,~~

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~~which acts could not have been prevented by the exercise of reasonable care by that person. Where a tree has been destroyed or effectively destroyed as described above, it is the intent of this provision to exempt from liability for such destruction or effective destruction the person who has or had a legal beneficial or equitable interest in the real property upon which such tree is located if the person could not have prevented the destruction by the exercise of reasonable care.~~

- ~~d. Removing, trimming, cutting or altering of any mangrove tree or removal of any tree located upon land which is a wetland as defined in this chapter, provided the entity has obtained a valid wetlands permit from the appropriate authority.~~
 - ~~(5) Review of permits for removal in rights-of-way, government properties. The public works official shall review and make the determination for tree removal for trees in rights-of-way and on government properties.~~
 - ~~(c) Application. An tree removal permit application shall be made to the planning and zoning department on a form approved by the administrative official and shall be accompanied by the required fee and required documents for the review of the application.~~
 - ~~(d) Review and evaluation of permit application.~~
 - ~~(1) The planning and zoning official shall conduct a review of each completed tree removal permit application. This review and all actions taken by the administrative official under the provisions of these tree regulations shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies outlined in this chapter and in the comprehensive development master plan.~~
 - ~~(2) Upon receipt of a completed permit application, the planning and zoning official shall visit the site and determine whether the site contains specimen trees or any other trees subject to the provisions of these regulations. The official will examine:
 - ~~a. Specimen tree standard. The standards to be applied in reviewing tree removal applications involving specimen trees are as follows: Specimen trees shall be preserved. Upon receipt of an application to remove a specimen tree, the public works official shall consider the following factors in evaluating said application:
 - ~~1. Size and configuration of the property.~~
 - ~~2. Size and configuration of any proposed specimen tree.~~
 - ~~3. Location of the tree relative to any proposed development.~~
 - ~~4. Whether or not the tree can be preserved under the proposed plan or any alternative plan.~~
 - ~~5. Health, condition and aesthetic qualities of the tree.~~
 - ~~6. Whether the tree poses a threat to persons or property.~~~~~~
- ~~The administrative official may recommend from time to time the designation of certain trees located within the city as specimen or historic trees. In addition, the matter shall be presented to the city council for its determination. The city council shall consider the report of the of the administrative official and shall either accept, modify or deny the recommendation and may designate by resolution those trees it deems appropriate as specimen or historic trees. The city council may designate by resolution protected trees, specimen trees, and/or historic trees as defined herein. Any tree which has been declared to be a protected tree shall not be removed unless approved by the city council.~~
- ~~b. Other trees. If there are trees present on a site other than any portion of a natural forest community or specimen trees, then the replacement provisions of the replacement requirements for tree removal section shall apply.~~

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- ~~c. *Combination of tree types.* In the event that a site contains any combination of natural forest community, specimen trees or other trees, then the provisions of the Code shall be applied in proportion to the presence of each type of tree or community.~~
- ~~(e) *Issuance.* The planning and zoning and/or public works administrative official may approve, approve with conditions, or deny an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application.~~
- ~~(f) *Condition for replacement requirements for issuance of tree removal permit.* As a condition of the issuance of a tree removal permit, the permittee may be required to replace trees that are authorized to be removed under the provisions of these tree regulations. The number of trees and number of species of trees required for replacement shall be determined according to the specifications contained herein. The planning and zoning official may require that replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of the Code. No tree removal permit shall be issued until the administrative official has approved said plan.~~
- ~~(g) *Bond for tree relocation, replacement, or drip line encroachment.* A bond shall be held by the city for one year to insure tree replacement in the event that tree relocation or drip line encroachment results in the death of any tree subject to a tree permit or for any tree damaged or destroyed in any pre-development or development activities. Such bond amount shall be assessed at the equivalent value of the required replacement tree or for tree replacement which cannot be effected prior to issuance of a certificate of occupancy for the underlying project. If the developer/builder desires, it may employ a landscape architect to supply revised bonding amount for city review and approval if the landscape architect determines that the trees or palms subject to relocation or drip line encroachment are unlikely to die as a result of the pre-construction or construction activities.~~

All required plans or covenants are submitted and are in compliance with the standards herein.

(Ord. No. 2010-10-218, § 2(14-90), 4-7-2010)

Sec. 34-448. ~~Procedures for determining tree replacement requirements.~~

The planning and zoning official shall determine the total number and type of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:

- ~~(1) *Step 1: Determining existing tree canopy coverage on-site.* The area of existing tree canopy coverage of a site shall be determined by the administrative official, using one or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The administrative official may require the applicant to submit a tree survey for the purpose of this determination.~~
- ~~(2) *Step 2: Determining impact area of proposed project.* The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the administrative official based on a site plan and completed tree removal permit application.~~
- ~~(3) *Step 3: Determining number of replacement trees required to be planted.* The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Each replacement tree shall compensate at a ratio of 2:1 for a portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees:~~

Table 4: Determining Number of Replacement Trees	
Category of Replacement Tree	Portion of Impact Area that Each Replacement Tree Compensate for in Square Feet

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Shade tree 1	500 s.f.
Shade tree 2	300 s.f.
Palm tree 1	300 s.f.
Palm tree 2	100 s.f.
Small tree	200 s.f.

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- a. ~~Compensation for lost canopy.~~ Replacement categories shall compensate for the lost canopy. In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the administrative official, except when the total number of replacement trees exceeds 20, and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of this article. Proposed replacement lists or plans are subject to administrative official approval. The administrative official shall approve proposed replacement trees that are consistent with the standards of these tree regulations.
- b. ~~Minimum species diversity standards.~~ When more than ten trees are required to be planted in accordance with the provisions of this division, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

Required Number of Trees	Minimum Number Species
11—20	2
21—50	4
51 or more	6

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Permittees shall not be required to plant in excess of six species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of 50 percent of all replacement trees planted shall be native to the county, and no more than 30 percent of the replacement trees shall be palms. However, when native trees are

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~~removed, all replacement trees shall be native species. As an alternative to the minimum species diversity required herein, an applicant may propose alternative species diversity in an alternative landscape enhancement plan described in these tree regulations.~~

- ~~(4) *Step 4: Location of replacement tree.* Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the planning and zoning official, then the applicant shall be required to plant replacement trees at an off-site location subject to the planning and zoning official approval, or, as an alternative, shall provide an equitable contribution to the city tree trust fund to compensate for those replacement trees which cannot be accommodated on-site.~~
- ~~(5) *Step 5: Minimum standards for replacement trees.*~~
- ~~a. All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.~~
 - ~~b. The public works administrative official shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Replacement tree heights shall be determined by overall height measured from where the tree meets the ground to the top-most branch.~~
 - ~~c. All category 1 replacement shade trees shall be a minimum of 14 feet in height at the time of planting and at maturity should have a canopy coverage of 500 square feet under normal growing conditions.~~
 - ~~d. All category 2 replacement shade trees shall be a minimum of 12 feet in height at the time of planting and at maturity should have a canopy coverage of 300 square feet under normal growing conditions.~~
 - ~~e. All category 1 replacement palm trees shall have a minimum height of ten feet at the time of planting and at maturity should have canopy coverage of 300 square feet under normal growing conditions.~~
 - ~~f. All category 2 replacement palm trees shall have a minimum height of three feet at the time of planting and at maturity should have canopy coverage of 100 square feet under normal growing conditions.~~
 - ~~g. All replacement small trees shall have a minimum height of six feet at the time of planting and at maturity should have canopy coverage of 200 square feet under normal growing conditions.~~
- ~~(6) *Replacement of specimen trees.*~~
- ~~a. *Alternate plans.* If, upon review of the factors enumerated above, the public works official determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially proposed plan. Alterations consistent with the scope and intent of the initially proposed plan may include, but shall not be limited to:
 - ~~1. An adjustment of building orientation on a site.~~
 - ~~2. An adjustment of lot lines within a site proposal where said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.~~~~
 - ~~b. *Specimen tree relocation.* If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the administrative official may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth herein.~~

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- ~~c.— *Removal of specimen tree.* If relocation of the specimen tree is not feasible due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.~~
- ~~d.— *Replacement requirements for specimen tree.* As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree replacement requirements shall be twice those specified otherwise by this chapter. For example, a tree with a caliper of 18 inches shall be replaced with a tree or trees (minimum four inches DBH and 12 feet in height for more than one tree) having a caliper of 36 inches. In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required or, as a last alternative, there shall be a contribution to the city tree trust fund for the full equivalent value of the replacement trees. Additionally, there shall also be an equitable contribution to the city tree trust fund for the irreplaceable loss of the aesthetic and environmental contributions of the specimen trees, according to a contribution schedule established by city council under separate resolution.~~
- ~~e.— *Exemptions.* An applicant may be exempt from the replacement requirements above, but subject to the tree replacement requirements above, under the following circumstances:
 - ~~1.— Upon submittal of a statement from a certified arborist registered in the state which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall include the specific reasons for the claimed exemption from the provisions of these regulations.~~
 - ~~2.— When a site contains more than one specimen tree, and 50 percent or more of the existing specimen trees and at least 50 percent of the existing specimen tree canopy area is preserved.~~~~

(Ord. No. 2010-10-218, § 2(14-100), 4-7-2010)

~~Sec. 34-449.— Tree protection standards.~~

- ~~(a) — *Protection requirements during construction.* During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:
 - ~~(1) — Protective barriers shall be placed around the drip line of each tree, cluster of trees, or the edge of the preservation area no less than six feet (in radius) from the trunk of any protected tree cluster, or preservation area unless a lesser distance is specified by the administrative official. Protective barriers shall be a minimum of four feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the administrative official has authorized their removal. Protective barriers shall be in place prior to the start of any construction.~~
 - ~~(2) — Understory plants within protective barriers shall be protected.~~
 - ~~(3) — No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers, or any ground surfaces or existing drainage facilities on the site.~~
 - ~~(4) — Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.~~
 - ~~(5) — Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development such that the safety of the tree may be endangered, tree wells or retaining walls are required.~~~~

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~~(6) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunneling or overhead utility lines.~~

~~(7) Fences and walls shall be constructed to avoid disturbance to any protected tree. Postholes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.~~

~~(8) A drip line encroachment plan, as defined in this chapter.~~

~~(b) *Tree relocation standards.* The relocation of any tree subject to the provisions of these regulations shall be consistent with the minimum standards of the American National Standards Institute (ANSI) and the tree relocation standards promulgated by this chapter.~~

~~(Ord. No. 2010-10-218, § 2(14-110), 4-7-2010)~~

~~Sec. 34-450. Plant material standards and installation requirements.~~

~~The city's landscape manual shall govern the required plant material standards and installation requirements that shall be complied with.~~

~~(Ord. No. 2010-10-218, § 2(14-120), 4-7-2010)~~

~~Sec. 34-451. Maintenance requirements.~~

~~(a) All owners of land or their agents shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lakes and canal banks.~~

~~(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.~~

~~(c) Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches and those obstructing street lighting and maintenance of sight distance standards as set forth herein.~~

~~(d) Dead or declining plant material considered to be part of a natural habitat feature located on public property are exempt from these landscaped maintenance provisions except where maintenance is necessary to avoid damage to public property or to mitigate safety hazards. Any necessary tree pruning must conform at a minimum to ANSI A-300 standards and as set forth in the city's landscape manual.~~

~~(e) Landscaping shall be maintained in accordance with the following standards:~~

~~(1) Insects, disease, etc. Landscaping shall be kept shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.~~

~~(2) Mulching. Three inches of clean, weed-free, approved organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to 100 percent coverage. The use of heat-treated mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities. For this reason, the use of Cypress mulch is strongly discouraged.~~

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- ~~(3) Turf edge trimming. All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.~~
- ~~(4) Irrigation systems:~~
- ~~a. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes.~~
 - ~~b. Irrigation systems shall be designed, installed and maintained to minimize application of water to impervious areas and/or so as not to create a vehicular use hazard on rights-of-way, ingress/egress easements or other vehicular use areas.~~
 - ~~c. Low volume, drip, trickle and emitter irrigation is encouraged to promote good xeriscape principles where applicable.~~
 - ~~d. A functioning rain sensor/shutoff device shall be required on all irrigation systems installed after 1991 as mandated by F.S. § 373.662.~~
 - ~~e. In order to reduce the amount of water lost to evaporation, irrigation systems shall be operated between the hours of 5:00 p.m. and 8:00 a.m. only, or as amended by state, county, city and/or South Florida Water Management District regulations. It is furthermore strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, sod installation for new construction and landscape maintenance activities (such as required application of water to apply fertilizer, herbicides and pesticides) is not limited to these hours.~~
 - ~~f. The duration that zones are operated should be adjusted to reflect the size of the zone as well as the needs of the plant material in the zone. Unnecessary and excessive watering can promote root rot and other plant diseases.~~
 - ~~g. Under drought conditions, compliance with the watering restrictions of the South Florida Water Management District is required.~~

~~(Ord. No. 2010-10-218, § 2(14-130), 4-7-2010; Ord. No. 2014-02-314, § 2(Exh. A), 1-8-2014)~~

~~Secs. 34-452—34-470. Reserved.~~

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ARTICLE XIV. - MINIMUM LANDSCAPE AND BUFFERING REQUIREMENTS; FENCES; WALLS; HEDGES, TREE PROTECTION

Sec. 34-439. - In General.

- (a) Purpose and intent. The purpose and intent of this article is to provide regulations for the installation and maintenance of landscaping and landscaped open space, to utilize landscaping and landscaped open space as an effective means of conserving energy, to preserve open space, to maintain and improve the aesthetic quality of the city, thereby promoting the health and general welfare of, and increase the quality of life of residents, businesses, and visitors. In addition, it is the policy of the city council to encourage lush landscape and buffering and maximum greenery, to encourage implementation of Florida Friendly Landscaping principles as identified by the South Florida Water Management District, to preserve and maintain natural vegetative communities, and to maintain and conserve all natural and conservation areas within the city, as identified in the city's comprehensive plan, in as much as:
- (1) The city's comprehensive development master plan identifies the areas of natural vegetation within city boundaries. The loss of these natural areas by indiscriminate removal of this vegetation adversely affects the public health, safety and general welfare.
 - (2) Protecting natural vegetation also promotes wildlife habitat, maintains the natural character of neighborhoods, preserves the natural diversity of species, and recognizes the numerous beneficial effects of native trees and sound landscaping practices.
 - (3) The city also recognizes that trees and landscaping assist in reducing flooding from stormwater runoff, increase aquifer recharge, provide shade for residents and businesses, and reduce heat and noise pollution.
 - (4) Requiring sound landscaping practices, minimizing the loss of native trees and vegetation, and establishing a robust and uniform natural landscape in the city all increase the quality of life for residents and businesses.
- (b) Applicability and compliance of nonconforming developments. The landscaping and buffering requirements of this article shall apply to all development within the city. Existing developments that become nonconforming at the effective date of adoption of the Land Development Regulations shall be subject to compliance as follows:
- (1) Existing development that becomes nonconforming as for the landscaping and buffering regulations as of the effective date of the adoption of this article but which were in compliance with this article prior to the effective date of this amendment, shall maintain legally nonconforming status until July 1, 2020 with the exception of the following:
 - a. Developments that have obtained a vested rights determination.
 - b. Developments that have obtained a certificate of legal conformity for landscaping as set forth in subsection 34-59(c), for the provision of the required landscape 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.
 - c. 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 land development regulations.
- (c) No variance or waiver. No variance or waiver of these requirements shall be authorized, except that an administrative variance may be granted as set forth in section 34-50 for a contribution of funds in lieu of compliance with the landscape requirements listed in Table 1 of Sec 34-444(f)..
- (d) Contribution of funds in lieu of compliance to the standards. Where a landscape or buffering requirement set forth in this article cannot be complied with, a waiver to contribute funds in lieu of complying with the requirement may be applied for as an administrative variance or waiver as set forth in section 34-49. The contribution shall be based upon the prevailing cost of the landscaping

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materials and labor costs on sources deemed acceptable by the administrative official or designee, 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 landscape and buffering installation in the city. If a contribution of funds in lieu of the landscape and buffering requirement is granted, such requirement shall be required prior the recordation of the plat, or prior to the issuance of building permit for any development on the property.

- (e) Penalties for violation of this article: unauthorized removal, relocation, root or canopy pruning, maintenance practices causing damage to trees and landscaping, and failure to comply with landscape installation and maintenance requirements within 30 days after notice provided. In addition to all other applicable penalties set forth in this Code, the following additional penalties shall apply:
- a. First offense with no prior knowledge. Amount of fine is per tree. For landscape installation and maintenance, amount (item i) is attributed per week after 30 days landscape is noncompliant.
 - i. Less than 18-inch diameter at four-foot height \$500.00
 - ii. 18 inches to 36 inches \$2,000.00
 - iii. Greater than 36 inches \$3,000.00
 - b. Second offense or prior knowledge. Double the fines assessed for first offense without prior knowledge.
 - c. Subsequent offenses. Triple the fine assessed for the first offense without prior knowledge.

Sec. 34-440. - Landscape Permit and Plans Required.

Prior to the issuance of a building permit, a landscape permit application, plans and applicable fees shall be submitted to and approved by the administrative official or his designee. For city installation of landscape and related improvements in rights-of-way, payment of fees shall not be required but shall be submitted to the Planning and Zoning Department for review and approval. The administrative official shall approve, approve with conditions, or deny the permit application. A denial of the permit application may require the applicant to provide additional information or an alternative plan for consideration.

(a) Landscape plans.

- (1) Single family and duplex residences in the R1 and R-2 districts. In the R-1 and R-2 districts only, a landscape plan is not required for single family and duplex residences only. Required landscaping, including quantity, size and location shall be submitted in the form of a plot plan or drawing that may be prepared by the owner or the owner's representative. No trees or other plant material may be planted in public rights-of-way (swale areas) without a landscape permit from the city.
- (2) All other development. Landscape plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida. Such plan shall include, at a minimum, the following information:
 - a. The landscape plan shall be drawn to a scale equivalent to that of the site plan or other primary plan required for the building permit. Additional smaller scale (more detailed) landscape sheets may be provided as necessary;
 - b. Property boundaries, north arrow and graphic scale;

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- c. All existing and proposed structures, parking spaces, or other vehicular use areas, access aisles, driveways, coverage of required irrigation systems, utilities location and the location and size of buildings;
 - d. Ground mechanical equipment and screening provided pursuant to section 34-418.
 - e. All landscape and hardscape features clearly identified;
 - f. Parking landscape islands, planting beds and other landscape features properly dimensioned;
 - g. Planting details and specifications;
 - h. Landscape legend form as prescribed by the administrative official or designee, including, but not limited to, the following:
 - i. Site dimensions and landscape calculations;
 - ii. The common and scientific name, as well as the quantity and size specifications of all plant materials to be installed;
 - iii. All applicable information pursuant to section 34-444 (Table 1).
- (b) Vegetation survey. A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall provide the following information, and be prepared by an International Society of Arboriculture (ISA) Certified Arborist, Landscape Inspectors' Association of Florida (LIAF) Certified Landscape Inspector, Registered Landscape Architect, or other landscape professional with qualifications accepted by the City.
- (1) Location and graphic representation. The accurate location and graphic representation by size diameter at breast height (DBH), canopy, and type of tree, in relation to existing development of all existing trees of a minimum two inches DBH or ten feet in height or, for native trees, of a minimum 1½ inches DBH or eight feet in height, including those which are proposed to be removed, relocated or preserved on-site in accordance with the requirements of landscape regulations.
 - (2) The boundaries of any native habitat, native plant community, native plant species, and/or natural forest community (as defined and described in Chapter 24 of the Miami Dade County Code) and associated understory that exists on site, as determined by the planning and zoning administrative official.
 - (3) Table. A table showing the following information:
 - a. The scientific and common name of each tree, each of which shall be numbered;
 - b. The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all (calculated by taking the square root of the total of the square of each trunk diameter: $\sqrt{(1^{st} \text{ Diameter}^2 + 2^{nd} \text{ Diameter}^2 + 3^{rd} \text{ Diameter}^2, \text{ etc.})}$);
 - c. Estimated height, canopy cover, and physical condition of each tree, and whether specimen trees exist on-site.
- (c) Irrigation plan required.
- (1) Single family and duplex residences in the R1 and R-2 districts. Irrigation shall be provided for all landscape areas for single-family or duplex dwelling, and shall include irrigation for swale areas. For single family and duplex residences in the R1 and R-2 districts, the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area to be irrigated, locations and specifications of lines and heads and pump specifications.
 - (2) All Other development . Irrigation shall be provided for all landscape areas, including swale areas. An irrigation plan shall be required to show the following:
 - a. Be drawn on a base plan at the same scale as landscape plans.

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- b. Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features.
 - c. Include water source, design, operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.
 - d. Include locations of pump pipes, controllers, valves, sprinklers; back flow prevention devices, rain sensor/shutoff devices and electrical supply and irrigation details.
 - e. Delineate landscape areas, major landscape features, and hydrozones.
- (d) Tree protection plan. This plan shall be presented as part of the tree permit and shall be required for all trees proposed for removal, relocation, or with ground-disturbance or canopy removal proposed within 10 feet of the trunk for non-specimen trees, or within 20 feet of the trunk of specimen trees. It shall include:
- (1) Designation of each tree subject to the tree protection plan. For each tree, the canopy shall be shown to scale, along with the critical root zone (CRZ), calculated at 8 inches in radius from the trunk for each inch in trunk diameter;
 - (2) The reasons for impacts proposed to the canopy or within the CRZ;
 - (3) Detailed description of the proposed efforts to protect the trees from damage, which may include tree protection fencing and signage, root pruning, supplemental irrigation, relocation of proposed construction activities and construction monitoring by a Certified Arborist; and
 - (4) A plan to ensure long-term survivability of trees covered in the plan.
- (e) Consideration of credits for existing plant material. In instances where healthy plant material exists on a site, and is to be retained, the administrative official or his designee may adjust the application of the minimum requirements to allow credit for or consideration of such plant material, if such an adjustment is in keeping with and will preserve the intent of this chapter. When allowances are given, in no case shall the quantities of existing plant materials retained to be less than the quantities required in this chapter. In such cases, the applicant shall provide a survey specifying the species, approximate height and caliper, as well as the location and condition of any plant material used as a basis for requesting this adjustment. Any adjustment shall be based on unique circumstances applicable to the plot in question with the object of such adjustment being to preserve existing vegetation or to maintain a tree canopy.

Sec. 34-441. - Landscape Plan Review Criteria.

- (a) Landscape plan review criteria. Landscape plans shall be reviewed in accordance with the following criteria:
- (1) Compliance with chapter. Compliance with all applicable regulations set forth in this chapter.
 - (2) Landscape design. Landscape design shall enhance architectural features, relate structure design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from major roadways and incompatible uses, strengthen important vistas and reinforce neighboring site design and architecture.
 - (3) Preservation requirement. Existing specimen trees and native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and to all applicable requirements of these landscape regulations.
 - (4) Water conservation. In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource needs. Plants with similar needs shall be grouped in hydrozones. Adequate growth area based on natural mature shape and size shall be provided for all plant materials.

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- (5) Use of native plant species. The plan shall include use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the reestablishment of native habitats shall be incorporated into the landscape plan. Minimum percentages of native plant species are specified in Sec 34-445.
- (6) Planting in energy conservation zone. Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.
- (7) Street trees. Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.
- (8) Planting material near utility lines. Special attention shall be given to the use of appropriate species located under, or adjacent to, overhead power lines, near native plant communities, and near underground utility lines. Adequate growth area shall be provided for all plant materials.
- (9) Avoidance of visual obstructions. Landscaping shall be designed to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks.
- (10) Historic landscapes and features. Historic landscapes and landscape features designated by local, state or federal governments shall be preserved.
- (11) Standard landscape notes. Landscape plans shall include the standard landscape notes as provided in the city's Landscape Manual, which at minimum will require a landscape pre-installation meeting with the city.
- (12) Crime Prevention Through Environmental Design (CPTED). Landscape designs should incorporate the principles of CPTED in design and maintenance specifications.

Sec. 34-442. - Reserved.

Sec. 34-443. - Issuance of Certificate of Occupancy.

The administrative official or his designee shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided, along with any special conditions included in the landscape permit.

- (a) *Certification of landscape compliance required.* A preparer's certificate of landscape compliance shall be submitted to and approved by the planning and zoning administrative official prior to issuance of any final certificate of occupancy. The preparer's certification of landscape compliance shall contain a statement signed and sealed by a registered landscape architect or by an LIAF Certified Landscape Inspector, that the landscape and irrigation plans have been implemented and that all requirements of these landscape regulations have been met, and/or noting any specific variations or discrepancies. Any changes or substitutions to the approved plan may require approval by the planning and zoning administrative official prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on both the job site and office copies of the plan, and approved by the City prior to installation. Changes and substitutions of plant material shall be of similar or better quality, quantity and size, as originally approved and shall be in compliance or exceed with the intent and requirements of these landscape regulations. The City may also inspect and verify compliance with landscape plans.
- (b) *Written certification.* For single-family or duplex residence on its own lot or applicable existing development, the owner or owner's agent (via statement signed and sealed by a registered architect) may certify in writing that landscape and irrigation improvements have been installed according to approved plans. The City may also inspect and verify compliance with landscape plans.

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(c) Effective date of compliance. After a certificate of landscape compliance is provided by an applicant and approved by the city, the landscaping on the site will be subject to compliance reviews and penalties for noncompliance per Sec. 34-439(e), regardless of status of Certificate of Occupancy.

Sec. 34-444. - Landscape, Buffering Minimum Standards.

(a) Landscape manual reference. The city's landscape manual, which from time to time may be revised, shall be made available to the public, as referenced in this chapter, and shall provide an illustrative and descriptive interpretation of the standards set forth in this chapter and suggested guide for landscaping and irrigation in accordance with the standards and requirements of this chapter. All plant material and installation requirements shall be consistent with the landscape manual. When street, shade, palm, trees, and hedging, sods and other vegetation are referenced in this article, same shall be installed shall be consistent species as with those species listed in the landscape manual, unless otherwise specified. The County's Landscape Manual shall serve as the City's landscape manual pertaining to sections or terms not provided in the City's landscape manual. If a conflict arises between the landscape manual and this chapter, the latter shall prevail.

(b) Prohibited and controlled tree species. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.

(c) 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.

Zoning district/ landscape requirement	<u>R-1</u>	<u>R-2</u>	<u>R-15</u> <u>R-25</u> <u>R-50</u>	<u>NC</u> <u>BTO</u>	<u>PCD</u>	<u>OF</u>	<u>I-1</u>	<u>I-2</u>	<u>PD</u>	<u>AU</u>	<u>G</u> <u>P</u>	<u>EO</u>
<u>Shade trees</u> (see <u>Section 34-445</u>)	<u>Min.</u> <u>3</u> <u>per</u> <u>lot</u>	<u>Min.</u> <u>3</u> <u>per</u> <u>lot</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>22 per</u> <u>net</u> <u>acre</u>	<u>22 per</u> <u>net</u> <u>acre</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>28 per</u> <u>net</u> <u>acre</u>	<u>N/</u> <u>A</u>	<u>20 per</u> <u>net</u> <u>acre</u>
<u>Shade trees—off street parking areas</u> (see <u>Section 34-445</u>)	<u>N/A</u>	<u>N/A</u>	<u>1 per</u> <u>req.</u> <u>landsc</u> <u>ape</u> <u>island</u>	<u>N/A</u>	<u>1 per</u> <u>req.</u> <u>landsc</u> <u>ape</u> <u>island</u>							
<u>Street trees</u> (see <u>Section 34-445</u>)	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>	<u>N/</u> <u>A</u>	<u>1 per</u> <u>30'</u> <u>lot</u> <u>frontage</u>
<u>Shrubs/Hedging</u> (see <u>Section 34-445</u>)	<u>. 10</u> <u>per</u> <u>req.</u> <u>shade</u> <u>tree</u>	<u>10</u> <u>per</u> <u>req.</u> <u>tree</u> <u>per</u> <u>req.</u> <u>shade</u>	<u>10 per</u> <u>req.</u> <u>tree</u>	<u>N/</u> <u>A</u>	<u>10 per</u> <u>req.</u> <u>shade</u> <u>tree</u>							

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		<u>e tree</u>										
<u>Sod, lawn area, ground cover (see Section 34-445)</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>N/A</u>	<u>N/A</u>	<u>Required</u>
<u>Landscaped open space (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 20%</u>	<u>Min. 30%</u>	<u>Min. 18%</u>	<u>Min. 30%</u>	<u>Min. 10%</u>	<u>Min. 10%</u>	<u>Min. 30%</u>	<u>Min. 20%</u>	<u>N/A</u>	<u>Min. 18%</u>
<u>Private open space</u>	<u>(see Section 34-445)</u>	<u>(see Section 34-445)</u>	<u>(see Section 34-445)</u>	<u>N/A</u>	<u>(see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>(see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>(see Section 34-445)</u>
<u>Common open space (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 20%</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 30%</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Landscape buffers—front yard/ROW (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 10'</u>	<u>Min. 10'</u>	<u>Min. 11'—21' (see Section 34-589)</u>	<u>Min. 10'</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 10'</u>	<u>Min. 10'</u>	<u>N/A</u>	<u>Min. 11'—21' max. (see Section 34-589)</u>
<u>Landscape buffers—side yard (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 0'—10' (see Section 34-589)</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>N/A</u>	<u>Min. 0'—10' max. (see Section 34-589)</u>
<u>Landscape buffers—rear yard (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 10'</u>	<u>Min. 10'</u>	<u>Min. 7.5'—10' (see Section 34-589)</u>	<u>Min. 10'</u>	<u>Min. 5'</u>	<u>Min. 5'</u>	<u>Min. 10'</u>	<u>Min. 10'</u>	<u>N/A</u>	<u>Min. 7.5'—10' max. (see Section 34-589)</u>
<u>Landscape buffers—off-street parking areas</u>	<u>N/A</u>	<u>N/A</u>	<u>Min. 7'</u>	<u>Min. 7'</u>	<u>Min. 0'—10'</u>	<u>Min. 7'</u>	<u>Min. 7'</u>	<u>Min. 7'</u>	<u>Min. 7'</u>	<u>Min. 7'</u>	<u>N/A</u>	<u>Min. 0'—10' max.</u>

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(see Section 34-445)													
<u>Landscape islands— off-street parking areas (see Section 34-445)</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per every 10 req. parkin g space s</u>	<u>1 per every 10 req. parkin g space s</u>	<u>1 per every 0—10 req. parkin g space s</u>	<u>1 per every 10 req. parkin g space s</u>	<u>1 per every 10 req. parkin g space s</u>	<u>1 per every 10 req. parkin g space s</u>	<u>1 per every 10 req. parkin g space s</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per every 10 req. parkin g space s</u>	

Sec. 34-445. - Landscape and Buffering Specifications.

The landscape and buffering requirements are subject to the following criteria and subject to certain exceptions, which shall be depicted on landscape plans and related plans as needed to demonstrate compliance.

(a) *General character and plant quality.*

- (1) Landscape plantings shall consist primarily of shade trees accented by palms, ornamental trees, shrubs, and groundcover in order to maximize shade over pedestrian and parking areas, to reduce air conditioning requirements for buildings, and to provide aesthetic enhancement;
- (2) Plants installed pursuant to this code shall conform to or exceed the minimum standards for Florida Grade Number One, as provided in the most current edition of Florida’s Grades and Standards for Nursery Plants;
- (3) Landscape plantings shall utilize the principals of Florida Friendly Landscaping to minimize irrigation and maintenance needs;
- (4) Landscape plantings shall be designed to minimize maintenance requirements due to conflicts with roots and branches, and to allow for typical growth forms of trees, palms, and shrubs.
- (5) The landscape design shall provide large, small shrubs and groundcover plantings to achieve a layering of plants. Landscape designs shall seek to utilize complimentary plant types, create pedestrian-friendly spaces, maximize shade, limit overutilized species, and enhance the unique character of each site. The city’s landscape manual may contain additional provisions to guide design. Landscape plans which do not meet these design guidelines may not be approved until changes are made to meet the guidelines.
- (6) Trees shall be spaced from each other as well as structures and utilities in order to provide for adequate canopy growth typical of each species, including for street trees and off-street parking area trees. In general, large shade trees (live oak, mahogany) shall have at least 12 feet on each side, medium sized trees (green buttonwood, pink trumpet tree) shall have at least 10 feet on each side, and small trees (crabwood, crape myrtle) and palm trees (sabal palm, coconut palm) shall have at least 6 feet on each side. In order to allow for adequate root space, a minimum of ½ of the minimum canopy space listed above must be pervious available root space, provided on all sides.
- (7) All landscape areas (other than sod) must receive a three-inch layer of mulch at the time of installation. For shrub and groundcover beds, the mulch shall be placed throughout the bed. For trees including street trees, mulch shall be placed in a circle to three feet on each side, with a three inch gap between the trunk and the mulch. Cypress mulch shall not be used.

(b) *Shade trees.* All developments shall provide the required number of shade trees in compliance with the following standards:

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- (1) All trees, shall be a minimum of 12 feet high and have a minimum caliper of three inches at time of planting and four feet of clear trunk;
- (2) 30 percent shall be native species;
- (3) 50 percent shall be low maintenance and drought tolerant; and
- (4) No more than 30 percent of required shade trees shall be palms, where every three palms shall equal one required shade tree;
- (5) 80 percent of the trees used shall be listed in the city's landscape manual
- (6) Minimum species diversity standards. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards.

<u>Table 2 Minimum Diversity Standards</u>	
<u>Required Number of Trees</u>	<u>Minimum Number Species</u>
<u>1 – 5 trees</u>	<u>2 species</u>
<u>6 – 10 trees</u>	<u>3 species</u>
<u>11—15 trees</u>	<u>4 species</u>
<u>16 – 21 trees</u>	<u>5 species</u>
<u>21 – 30 trees</u>	<u>6 species</u>
<u>31 or more trees</u>	<u>7 species</u>

- (7) Residential shade trees. Trees shall be planted as to provide shade to residential structures that are of a height of 35 feet or less. The landscape architect shall provide a statement demonstrating how specific landscape trees have been used to promote energy conservation. All exterior air conditioning units, except for air conditioning units placed on the roof, should be shaded by trees and/or shrubs as referenced in the city's landscape manual.
- (8) Shade trees, off-street parking areas. A minimum of one shade tree shall be provided per required landscape island in parking lots. The provision of shade trees in off-street parking areas shall count towards the required number of shade trees, otherwise required.
- (9) Shade trees, grassed areas. Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted as part of the net lot area for the purpose of calculating tree requirements.

(c) Street tree requirements.

- (1) 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 minimum clear trunk of four feet, an overall minimum height of 14 feet and a minimum caliper of three inches at time of planting, and shall be provided along all roadways individually or clustered, with a maximum average spacing of 30 feet on center, except as otherwise provided in these tree regulations. The 30-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.

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- (2) Location. Street trees shall be installed on private property within seven 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. Appropriate types of street trees shall be in compliance as listed in the landscape manual. Root barriers shall be placed along the edge of the sidewalk or roadway for all newly planted street trees.
- (3) Maintenance of street trees. 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.
- (4) Exceptions.
 - a. 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.
 - b. Street lights. No street trees shall be located closer than 15 feet from street lights, no palms may be closer than seven feet.
 - c. 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.
- (d) Shrubs, hedging. A continuous, extensively planted greenbelt of shrubs and hedging shall be provided along all property lines abutting a public right-of-way in accordance the following minimum standards, except as permitted as set forth in section 34-446:
 - (1) A double-row of shrubs shall be planted to create a layered effect, with the row closest to the public right of way maintained at a maximum height of two feet, and the interior maintained at a maximum height of four feet. All shrubs shall be a minimum of 18 inches in height when measured immediately after planting. Shrubs shall be provided at a minimum ratio of ten per required tree, with enough density such that shrub branches touch their adjacent neighbor at the time of planting. Of the provided shrubs at least:
 - a. 30 percent shall be native species and no more than 25 percent of the total number of required shrubs shall be of the same species;
 - b. 50 percent shall be low maintenance and drought tolerant;
 - c. 80 percent shall be listed in the city's landscape manual.
 - d. When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of 30 inches on center or if planted at a minimum height of 24 inches, shall have a maximum average spacing of 48 inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one year after time of planting, except penetrated only at approved points for ingress or egress to the property. Shrubs used as a buffer, visual screen, or hedge need not be of the same species;
 - d. The height of any hedge may be allowed to exceed four feet up to a maximum of eight feet, if maintaining the hedge in this manner does not violate CPTED principals for the location. The design height of all shrubs must be included in the maintenance plan for the site;
 - e. Hedges may be placed on the property lines; however, this regulation shall not be construed to permit such hedges to extend beyond the official right-of-way lines or property lines.
 - f. Exception: In PCD EO, hedge not required to be continuous.

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- (e) Sod, lawn areas, ground cover. All residential lawn areas, landscape open spaces, landscape buffers, and all other areas not occupied by structures or vehicular use paving shall be planted with sod, lawns, or ground cover in compliance with the following standards:
- (1) Sod and lawn areas. Sod and lawns shall be planted in a species well adapted to localized growing conditions in the city. Lawn areas may be sodded, plugged, sprigged, hydro mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, over seeding shall be sown for immediate effect and protection until coverage is otherwise achieved. Property owners are encouraged to limit lawn areas to no more than 25% of the area of the site unless there is a dedicated use requiring sodded areas (such as a sports field).
 - (2) Ground covers. Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after planting.
 - (3) Other species and materials in lieu of grass may also be permitted providing such meets the approval of the administrative official. In general, pavement and stone are not acceptable as ground covers.
- (f) Private open space.
- (1) Private open space is required for each single-family residence, each duplex unit, each attached unit (townhouse) or detached unit that has direct ground floor access. Said space shall be for the exclusive recreational or leisure use of the inhabitants of the dwelling unit, and shall be located immediately adjacent to the unit, and designed in such a way as to provide privacy from adjacent dwelling units.
 - (2) Said private open space shall be in addition to the common open space required and the amount of such space shall be 500 square feet of each attached unit (townhouse) or each duplex unit, and 800 square feet for each single-family detached unit.
 - (3) Provisions shall be made in the sale or rental of such units that such private open space is for the exclusive use of the unit concerned.
 - (4) A maximum of one tree and no shrubs shall be planted within the private open space in efforts to meet minimum landscape requirements.
- (g) Landscape open space. Developments shall provide the minimum open landscape areas in compliance with the following standards:
- (1) The required landscape open space shall be calculated on the net lot area.
 - (2) The provision of all sod, lawn area, ground cover, landscape buffers, off-street parking landscape islands shall be computed towards the required landscape open space requirement.
 - (3) Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than 20 percent of the required open space.
 - (4) The specific areas within enclosed or unenclosed building areas which are landscaped with grass, trees and/or shrubbery, water areas therein and areas therein with permanent art display may be used as part of the required landscaped open space, but such areas shall not be credited for more than ten percent of the required landscaped open space.
 - (5) Landscape open space areas may also include tree preservation zones of "natural forest communities" as defined in Chapter 24-5 of the county Code.
- (h) Common open space. Common open space shall be provided in compliance with the following:
- (1) Of the required common open space 50 percent of said space may be unencumbered with any structure and shall be landscaped with vegetation.

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- (2) The remaining 50 percent may be used as swimming pools, tennis courts, shuffleboards, pedestrian walks, entrance features, playgrounds, picnic areas, and other recreational uses that are and shall be for the general use of all residents and visitors of the development.
- (3) Common areas within residential zoning districts such as amenity centers, project entrances, and miscellaneous open spaces including but not limited to tot lots and recreation areas, shall have a minimum of one tree and 20 shrubs for each 2,000 square feet of site area or portion thereof, and shall not utilized for structures or vehicular use areas;
- (i) *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:

 - (1) Encumbrances. Buffers may be encumbered by site infrastructure improvements, utilities, but may not be encumbered by any accessory structure.
 - (2) Fences and walls. Buffers may be encumbered by fences and walls in compliance with this chapter.
 - (3) Design. Design of landscape buffers must be in accordance with guidance from the city's landscape manual for aesthetic quality and to provide adequate screening and a layered effect.
- (j) *Off-street parking areas.*

 - (1) All required parking area landscaping shall require protection from vehicular encroachment by placing curbing (type D or F) or car stops at perimeter parking at least two feet from the edge of such landscaped areas. Other landscaped areas abutting curved or angular drives shall be curbed. Where the landscape easement abuts onsite vehicular use areas such as traffic lanes, the landscape easement shall be separated from the traffic lanes by continuous concrete curbing with an 18-inch depth below grade. Extruded curbing installed on top of the paving is prohibited. Landscaped areas or islands shall contain clean fill and topsoil to at least the top of the curb.
 - (2) Exceptions. Where a setback of less than the required buffer areas is permitted the landscape buffer shall be reduced accordingly.
 - (3) Landscape islands, off-street parking areas. Landscape islands shall be provided within off-street parking areas in compliance with the following standards, except as set forth in section 34-532:

 - a. Landscape islands shall be calculated as one island per every ten required parking spaces; such requirement shall be rounded down to the nearest ten parking spaces; except as provided in section 34-532 for properties zoned PCD. A curbed landscape island shall be provided at each end of each row of parking stalls.
 - b. Landscape islands spacing may vary, but shall not be spaced more than 15 parking spaces apart, except as provided in section 34-532 for properties zoned PCD.
 - c. Landscape islands shall be a minimum width of eight feet wide, not including any curbs, and shall be a minimum length of 13.5 feet in length, not including any curbs. If landscape island widths are increased to a minimum of 10 feet, then one island shall be required for every 15 parking spaces.
 - d. Landscape islands shall be computed towards the required open space requirement.
 - e. The soil under landscape islands shall not be compacted. If previously compacted due to site grading, landscape islands shall be excavated to a minimum depth of 24 inches below grade with soil replaced in a loose, friable condition.
 - f. A continuous landscape strip a minimum width of five feet, at grade, located between two rows of head-to head parking, may be used in lieu of landscape islands for both rows. Wheel stops shall be used at two feet from the edge of the landscape strip, to prevent

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vehicular encroachment. These landscape strips may concurrently be used as drainage features, provided the tree species and infrastructure locations do not create conflicts.

g. Shade trees, off-street parking areas. A minimum of one shade tree shall be provided per required landscape island in parking lots. The provision of shade trees in off-street parking areas shall count towards the required number of shade trees, otherwise required.

(k) Ground-mounted equipment, walls, and storage areas screening. All ground-mounted mechanical equipment, storage areas, walls, fences, and common trash receptacles shall be screened from view other than the side providing access, using trees, shrubs, and/or hedges in addition to the common area requirements. Landscape plans shall clearly identify the locations of the features which are required to be screened and the type of screening provided per section 34-418.

Sec. 34-446. - Fences, Walls and Perimeter Hedges; Sight Triangles;

(a) Public safety. No fence, wall or hedge shall be constructed or maintained within three feet of a fire hydrant, water connection, or other emergency apparatus placed for the purpose of fire protection. Fences, walls or hedges shall not be placed within the area required by applicable fire and life safety codes to be clear and unobstructed for passage of emergency vehicles or for the ingress and egress of persons or animals.

(b) Special fence prohibitions. No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district. The top surface of any chain link or cyclone fence shall be crimped to eliminate the exposure of sharp edges. All other use of barb wire, electrical elements or other hazardous materials shall only be allowed after administrative variance or waiver approval as set forth in section 34-50.

(c) Permits required. All fences, walls, or hedges, shall comply with appropriate zoning clearance and building permit procedures. A certificate of occupancy or certificate of use shall not be issued until all required fences, walls, or screening hedges are erected, constructed, or installed.

(d) Maintenance. All fences and walls shall be maintained in a safe and nonhazardous condition.

(e) Location on property lines.

(1) Except as hereinafter restricted, all walls, fences or hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences to extend beyond the official right-of-way lines or property lines.

(2) No fence, wall, gate, or opening shall be permitted to swing, roll or otherwise encroach into the right-of-way.

(3) In PCD, NC, OF and residential districts the installation of all fences and walls abutting a right-of-way shall be setback a minimum two feet from the property line and shall be landscaped accordingly with a continuous hedge as set forth in this section, except that off-street parking areas abutting rights-of-way shall comply with landscape and buffering and wall requirements set forth in this section.

(f) Materials.

(1) Chain link prohibition in front yards. Chain link fence prohibited in all districts front yards, side street yards. Notwithstanding anything in the code to the contrary, chain link fences shall only be permitted behind the front building line. Chain link shall not be permitted along property lines abutting the right of way. It is provided, however, that the aforementioned restriction on chain link fences shall not apply in I-1, I-2, GP, or AU zoning districts with bona fide agricultural use. All chain link fences must be vinyl coated color green or black. Bare metal or galvanized chain link fences are prohibited.

(g) Fence, Wall, hedge maximum height.

<u>Zoning District</u>	<u>R-1</u>	<u>R-2</u>	<u>R-15 R-25</u>	<u>NC</u>	<u>PCD*</u>	<u>OF</u>	<u>I-1***</u>	<u>I-2***</u>	<u>PD**</u>	<u>AU</u>	<u>G P</u>	<u>EO</u>
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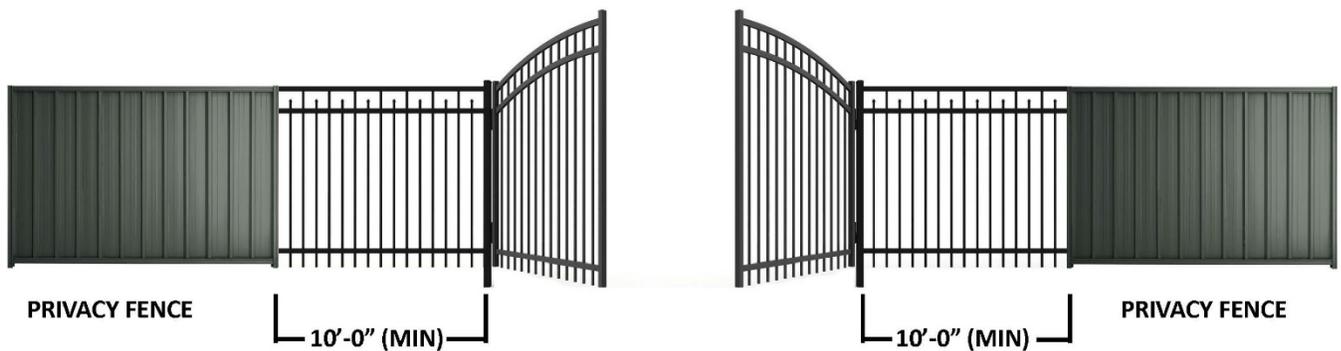
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			R-50										
<u>Fence, wall, hedge heights—maximum</u>	<u>Max. 6' max. 5' front yard; hedges 8'</u>	<u>Max. 6' max. x. 5' front yard</u>	<u>Max. 6'; hedges s 8'</u>	<u>Max. 8'; hedges s 8'</u>	<u>Max. 6'; hedges s 8'</u>	<u>N/A</u>	<u>Max. 8'; hedges s 8'</u>						

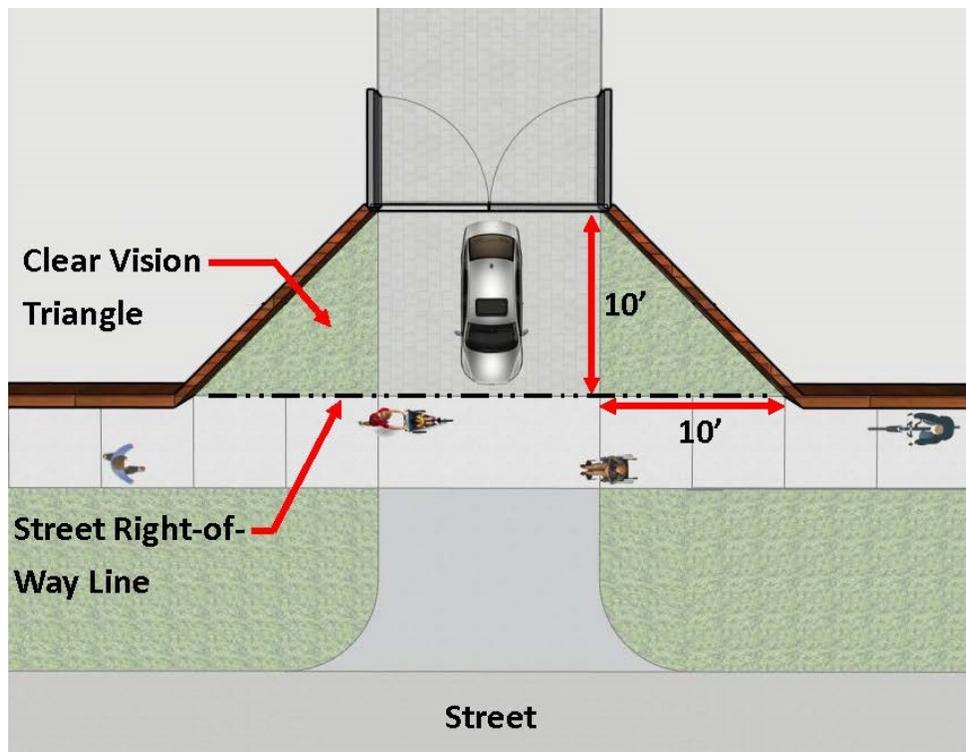
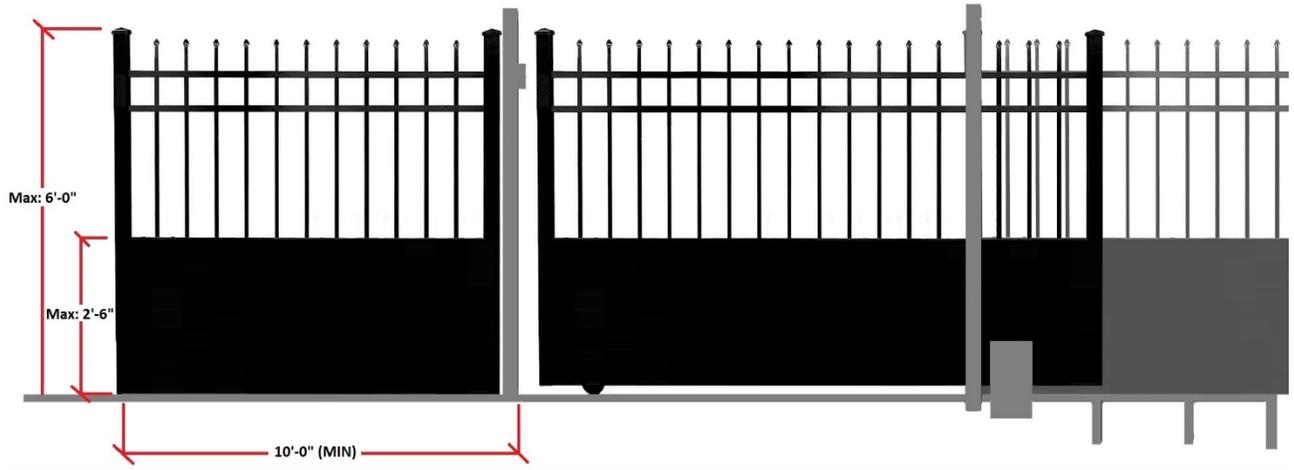
Increase and decrease of height. Fence, wall, and hedge heights shall be increased, or decreased for compliance with the following:

- (1) Double frontage lots. When a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots as set forth in this chapter, such fence or wall may be increased to a height of eight feet, if not otherwise permitted in the underlying zoning district.
- (2) Height at intersection. Fences, walls, or hedges shall not exceed 2.5 feet in height within the safe sight distance triangle, as defined herein this chapter.
- (3) Height limitation. The height of fences, walls, and hedges shall not exceed 2.5 feet in height within ten feet of the edge of driveway leading to a public right-of-way, except that in the R district a fence may be permitted up to the maximum permitted height providing such fence is a maximum 25 percent opaque, and no other structures or portions of the fence, wall interferes with the safe distance visibility triangle.

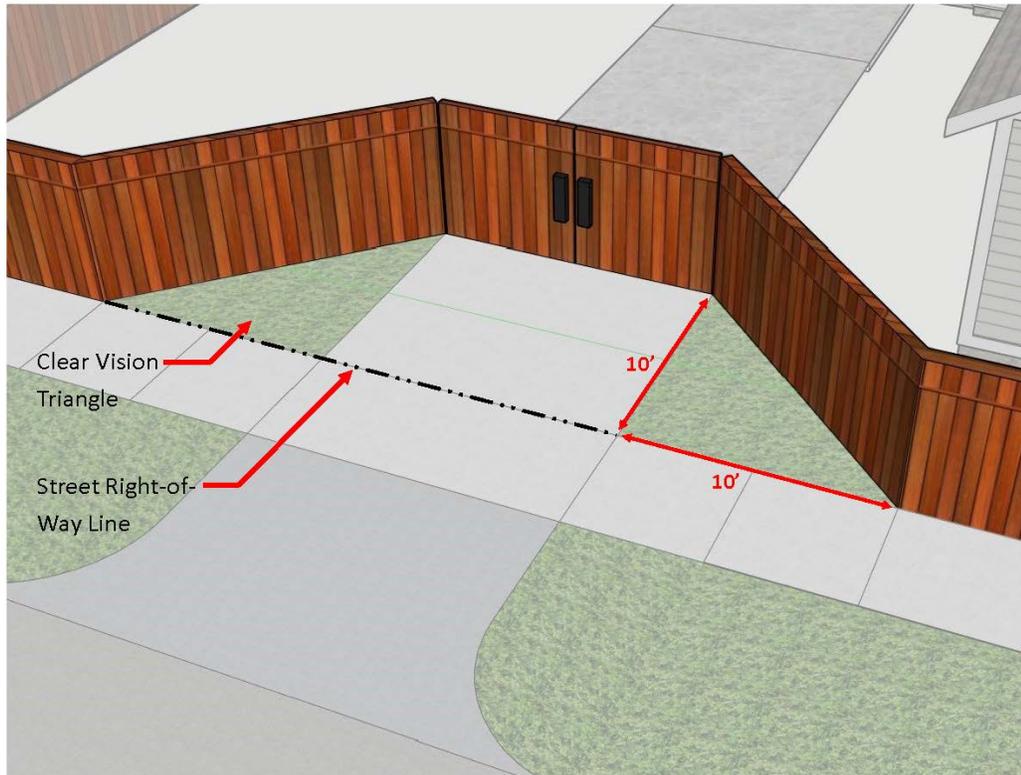


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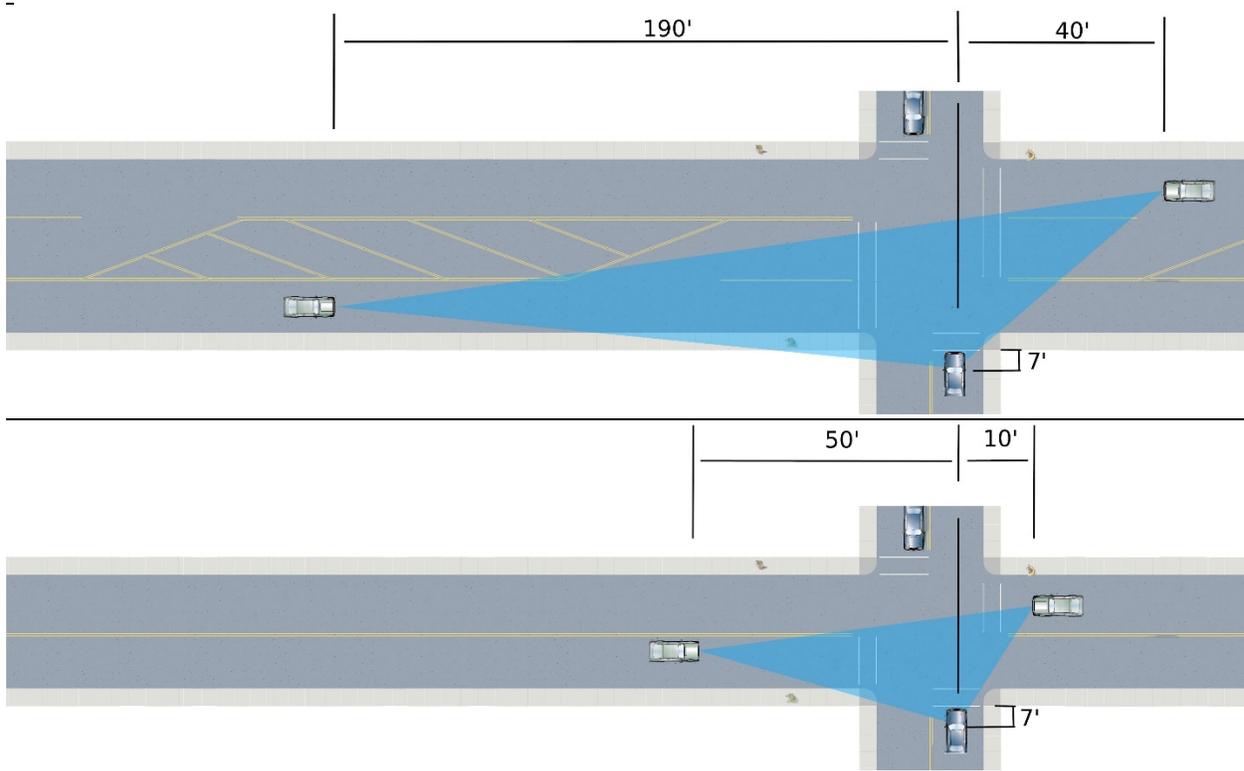
- (4) Fences for tennis courts; fences and walls for other recreational uses. Fences, and walls for tennis courts may be erected up to 14 feet in height if such fence conforms to accessory use setbacks. Fences and/or walls in connection with other permitted recreational uses, such as baseball backstops, handball courts, and the like, shall be permitted of a height necessary for the particular use if required accessory use setbacks are observed.
- (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 percent of the permitted height of the fence or wall.
- (i) Sight triangle. The safe sight distance triangle area shall not contain obstructions to cross-visibility at a height of 2.5 feet or more above pavement; potential obstructions include, but are not limited to,

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structures, grass, ground covers, shrubs, vines, hedges, trees, rocks, walls and fences. The following table represents minimum criteria for determining the required area of cross-visibility:

<u>Table 3: Safe Sight Distance Triangle</u>			
<u>Functional Classification of Through Street</u>	<u>Required Visibility</u>		
	<u>Left (ft.)*</u>	<u>Right (ft.)*</u>	<u>Depth on Minor Street (ft.)**</u>
<u>Local</u> <u>(50-foot or less right-of-way)</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Collector</u> <u>(60-foot—70-foot right-of-way)</u>	<u>190</u>	<u>40</u>	<u>7</u>
<u>Arterial</u> <u>(80-foot or over right-of-way)</u>	<u>260</u>	<u>40</u>	<u>7</u>



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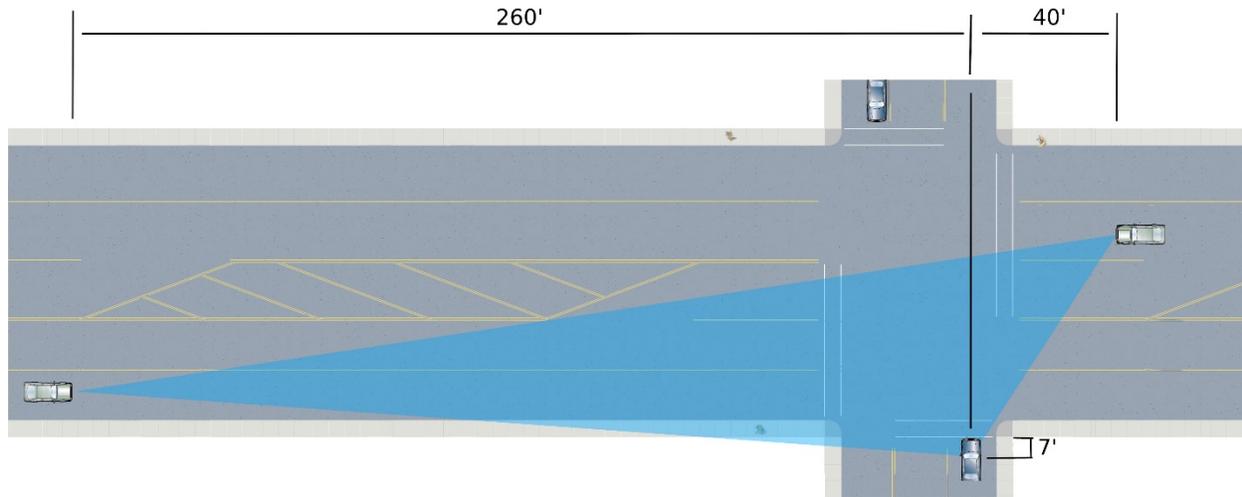


Table interpretations and waivers of the above requirements shall be made in writing by the director of the public works department.

Visibility distances measured from center line of minor street, along right-of-way line of through street.

Depth visibility on minor street measured from right-of-way line of through street, along center line of minor street (public or private street).

- (j) Wall or fence required between dissimilar uses. Where dissimilar uses are adjacent to each other a six-foot-high wall or fence meeting the approval of the administrative official shall be provided along common property lines, except that, if the dissimilar uses are separated by a right-of-way. Where an adjacent or abutting property is undeveloped land, the requirement of the wall shall be not be required until such time the unimproved land is developed at which time the determination of whether a determination of dissimilar uses shall be made by the administrative official. In this event, the requirement of the wall shall be borne to the developer of the unimproved land.
- (k) Height between different districts. Notwithstanding any provisions in this chapter to the contrary, where an RU district abuts another district, a fence, wall or hedge on the RU property may be erected, or maintained on the common property line of the height permitted in the abutting district.
- (l) Exterior finish of walls and fences. All walls and fences shall be maintained in good, clean and finished condition. A fence with a finished and unfinished side shall be erected so that the unfinished side and supporting members face inward toward the interior of the property. Furthermore, all fences shall have the finished side facing the neighboring property or street (outward). Board on board fence is preferred.

Sec. 34-447. - Tree Preservation and Protection Permit.

- (a) Applicability. These tree preservation and protection regulations ("tree regulations") shall be a minimum standard for the protection, removal and relocation of trees and shall be enforced by the city.
- (b) Tree impact permit required.
 - (1) Tree impacts. A tree impact permit is required for the removal or relocation of any tree in the city not specifically exempted pursuant to 34-447(5). It shall be unlawful for any person, unless otherwise permitted by the terms of these tree regulations to remove, hatrack, effectively destroy, remove greater than 25% of a tree's canopy within a 12-month period, impact the critical root zone of a specimen tree, or otherwise conduct canopy or root trimming work not in accordance with ANSI A-300 standards.

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- (2) Mitigation for Unauthorized removal. In addition to those penalties imposed in this article, trees that have been removed without proper authorization shall be replaced on the basis of twice the standard replacement requirements per Sec 34-448. If a tree removed is no longer on site, the city shall utilize all readily available records and data such as the stump, historic photos, historic records, etc. to estimate the size of the tree removed.
- (4) Natural Forest Communities. All trees located within natural forest communities shall also be subject to the requirements of article 3 of chapter 24 of the Miami-Dade County Code, as amended. Applicants will be referred to Miami-Dade County to obtain authorization for vegetation removal activities within natural forest communities.
- (5) Exemptions. The following activities may qualify for exemption from tree removal permit requirements, subject to review by City staff. Applicants must submit a tree removal application to the City to verify applicability of an exemption prior to conducting tree removal.
- a. Vegetation removal and management activities authorized by permit from Miami-Dade County within a designated Natural Forest Community are exempt from additional tree removal permit requirements from the City. Applicants are required to submit approved permit(s) for verification of exemption.
 - b. Removal of any dead tree, provided that the tree can be demonstrated to have died from natural causes without significant harm from human activity, and provided the tree is not located within a natural forest community.
 - b. Removal of prohibited and controlled species as defined in the Miami Dade County Code and Miami Dade County Landscape Manual.
 - c. Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside of the control of any person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by that person. Where a tree has been destroyed or effectively destroyed as described above, it is the intent of this provision to exempt from liability for such destruction or effective destruction the person who has or had a legal beneficial or equitable interest in the real property upon which such tree is located if the person could not have prevented the destruction by the exercise of reasonable care.
 - d. Removing, trimming, cutting or removal of any tree located upon land which is a wetland as defined in this chapter, provided the entity has obtained valid wetlands federal/state/local permits , which contain specific provisions for the trimming/removal of these trees. Mangrove trimming and removal must be authorized under the state's Mangrove Trimming and Preservation Act, ss. 403-9321-403.9334, F.S./Chapter 24 of the Miami Dade County Code. The city may request copies of permits/authorizations to verify that the proposed activities qualify for this exemption.
 - e. Removal of trees determined by a properly qualified ISA Certified Arborist to be classified as High Risk, where mitigation options to remove risk are not viable.

Notes:

Removal of trees required by an approved landscape plan will require replacement in kind to maintain compliance with the approved plan, regardless of tree mitigation requirements (or lack thereof).

Removal of any tree specifically exempted by state or federal law from requiring a permit for removal must be documented as compliant with the rule by an appropriately qualified ISA Certified Arborist in a written report, with a courtesy copy provided to the city.

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Owners of properties with trees removed under claim of any exemption without documentation to verify the exemption will be subject to tree removal permit requirements including penalties for unauthorized removal as applicable.

- (6) Review of permits for removal in rights-of-way, government properties. The administrative officer or designee shall review and make the determination for tree removal for trees in rights-of-way and on city-owned properties, unless removals within rights-of-way are proposed as part of the site development/building permit process, in which case the permittee shall be responsible for justification for tree removal/ relocation and required mitigation. The city shall keep a record of removals within city-owned properties and city-installed landscaping, to ensure that mitigation requirements for these trees are met.
- (c) Application. A tree removal permit application shall be made to the planning and zoning department on a form approved by the administrative official and shall be accompanied by the required fee and required documents for the review of the application, as listed in the city code, the application form, and the landscape manual.
- (d) Review and evaluation of permit application.
- (1) The planning and zoning official shall conduct a review of each completed tree removal permit application. This review and all actions taken by the administrative official under the provisions of these tree regulations shall be conducted using best available practices from biology, botany, forestry, landscape architecture and other relevant fields, and shall be conducted in a manner that is consistent with all applicable goals, objectives and policies outlined in this chapter and in the comprehensive development master plan.
- (2) Upon receipt of a completed permit application, the administrative official or designee shall visit the site and determine whether the site contains specimen trees or any other trees subject to the provisions of these regulations. The official will examine:
- a. Specimen tree standard. The standards to be applied in reviewing tree removal applications involving specimen trees are as follows: Specimen trees shall be preserved. Upon receipt of an application to remove a specimen tree, the administrative official or designee shall consider the following factors in evaluating said application:
- i. Size and configuration of the property.
- ii. Size and configuration of any proposed specimen tree.
- iii. Location of the tree relative to any proposed development.
- iv. Whether or not the tree can be preserved under the proposed plan or any alternative plan.
- v. Health, condition and aesthetic qualities of the tree.
- vi. Whether the tree poses a threat to persons or property. The administrative official or designee may recommend from time to time the designation of certain trees located within the city as specimen or historic trees. In addition, the matter shall be presented to the city council for its determination. The city council shall consider the report of the of the administrative official and shall either accept, modify or deny the recommendation and may designate by resolution those trees it deems appropriate as specimen or historic trees. The city council may designate by resolution protected trees, specimen trees, and/or historic trees as defined herein. Any tree which has been declared to be a protected tree shall not be removed unless approved by the city council.
- b. Other trees. If there are trees present on a site other than specimen trees, then the replacement provisions of the replacement requirements for tree removal section shall apply.
- c. Combination of tree types. In the event that a site contains any combination of specimen trees or other trees, then the provisions of the Code shall be applied in proportion to the presence of each type of tree or community.

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- (e) Issuance. The planning and zoning administrative official or designee may approve, approve with conditions, or deny an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application.
- (f) Condition for replacement requirements for issuance of tree removal permit. As a condition of the issuance of a tree removal permit, the permittee may be required to replace trees that are authorized to be removed under the provisions of these tree regulations. The number of trees and number of species of trees required for replacement shall be determined according to the specifications contained herein. The planning and zoning official may require that replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of the Code. No tree removal permit shall be issued until the administrative official has approved said plan.
- (g) Tree protection bonds. A bond may be held by the city for one year to insure successful tree replacement for proposed tree relocations and for specimen trees with proposed construction impacts within the critical root zone. Such bond amount shall be assessed at twice the equivalent value of the required replacement tree(s). Relocations or tree protection that are not wholly successful, as determined by the city, may be resolved through replacement plantings or payment to the Tree Fund. If neither of these options are accomplished within 90 days of notice by the city, the city may retain the entire bond value.

All required plans or covenants are submitted and are in compliance with the standards herein.

Sec. 34-448. - Procedures for Determining Tree Replacement Requirements.

The planning and zoning official or designee shall determine the total number and type of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:

- (a) Step 1: Determining existing tree canopy coverage on-site. The area of existing tree canopy coverage of a site shall be determined by the administrative official, using one or any combination of the following methods: Review of aerial photography; on-site inspection; and review of a tree survey. The administrative official may require the applicant to submit a tree survey for the purpose of this determination.
- (b) Step 2: Determining impact area of proposed project. The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the administrative official based on a site plan and completed tree removal permit application.
- (c) Step 3: Determining number of replacement trees required to be planted. The total number of trees required for replacement shall be based on the area of impact and the category of replacement tree selected by the applicant. Trees which are not on the County's prohibited species list but which are listed as "Category I" on the Florida Exotic Pest Plant Council's (FLEPPC) current list of invasive species, shall have canopy replacement calculated at 50% of actual loss. Each replacement tree shall compensate at a ratio as shown in the table below for the portion of the tree canopy lost in the impact area. The following table shall be used as a standard for determining the required number of replacement trees:

<u>Category of Replacement Tree</u>	<u>Portion of Impact Area that Each Replacement Tree Compensates for in Square Feet</u>
<u>Shade tree 1</u>	<u>500 s.f.</u>
<u>Shade tree 2</u>	<u>300 s.f.</u>
<u>Palm tree 1</u>	<u>300 s.f.</u>
<u>Palm tree 2</u>	<u>100 s.f.</u>
<u>Small tree</u>	<u>200 s.f.</u>

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- (1) Compensation for lost canopy. Replacement categories shall compensate for the lost canopy. In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the canopy coverage provided by the replacement tree at the time of planting. The applicant shall submit a list of proposed replacement trees on a form provided by the administrative official, except when the total number of replacement trees exceeds 20, and then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of this article. Proposed replacement lists or plans are subject to administrative official approval. The administrative official shall approve proposed replacement trees that are consistent with the standards of these tree regulations.
- (2) Minimum species diversity standards. When more than ten trees are required to be planted in accordance with the provisions of this division, a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

<u>Required Number of Trees</u>	<u>Minimum Number Species</u>
<u>11—20</u>	<u>2</u>
<u>21—50</u>	<u>4</u>
<u>51 or more</u>	<u>6</u>

Permittees shall not be required to plant in excess of six species. The number of trees of each species planted shall be proportional to the number of species required. A minimum of 50 percent of all replacement trees planted shall be native to the county, and no more than 30 percent of the replacement trees shall be palms. However, when native trees are removed, all replacement trees shall be native species. As an alternative to the minimum species diversity required herein, an applicant may propose alternative species diversity in an alternative landscape enhancement plan described in these tree regulations.

- (d) Step 4: Location of replacement trees. Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the planning and zoning official, then the applicant shall be required to plant replacement trees at an off-site location subject to the planning and zoning official approval, or, as an alternative, shall provide an equitable contribution to the city tree trust fund in the amount of \$2 per square foot of lost canopy, to compensate for those replacement trees which cannot be accommodated on-site. The city's landscape manual may adjust this cost periodically (by way of a multiplier) to account for inflation.
- (e) Step 5: Minimum standards for replacement trees.
 - (1) All replacement trees shall have a minimum quality of a Florida No. 1 grade or better.
 - (2) The city administrative official shall maintain a list of species for each category of replacement tree. This list may be amended from time to time, as necessary. Replacement tree heights shall be determined by overall height measured from where the tree meets the ground to the top-most branch, palm heights are measured by gray wood/clear trunk.
 - (3) All category 1 replacement shade trees shall be a minimum of 16 feet in height and 3 inches DBH at the time of planting and at maturity should have a minimum canopy coverage of 900 square feet under normal growing conditions.

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- (4) All category 2 replacement shade trees shall be a minimum of 12 feet in height and 2 inches DBH at the time of planting and at maturity should have a minimum canopy coverage of 300 square feet under normal growing conditions.
 - (5) All category 1 replacement palm trees shall have a minimum height of ten feet at the time of planting and at maturity should have canopy coverage of 300 square feet under normal growing conditions.
 - (6) All category 2 replacement palm trees shall have a minimum height of three feet at the time of planting and at maturity should have canopy coverage of 100 square feet under normal growing conditions.
 - (7) All replacement small trees shall have a minimum height of six feet and 1 inch DBH at the time of planting and at maturity should have canopy coverage of 200 square feet under normal growing conditions.
- (f) Replacement of specimen trees.
- (1) Alternate plans. If, upon review of the factors enumerated above, the city official determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan when feasible, which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially-proposed plan. Alterations consistent with the scope and intent of the initially proposed plan may include, but shall not be limited to:
 - a. An adjustment of building orientation on a site.
 - b. An adjustment of lot lines within a site proposal where said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.
 - (2) Specimen tree relocation. If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the administrative official may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards set forth herein. The city may require detailed specifications for relocation including root pruning, tree lifting/ moving, maintenance and care, and review/ acceptance of the contractor proposed to conduct the relocation.
 - (3) Removal of specimen tree. If relocation of the specimen tree is not feasible due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required.
 - (4) Replacement requirements for specimen trees. As a condition of the issuance of a tree removal permit for the removal of a specimen tree, tree replacement requirements shall be as follows: Specimen trees shall be replaced at twice the canopy replacement requirement listed in 34-448. In addition to the canopy replacement requirement, an equitable contribution will be required. The equitable contribution will be paid to the city's Tree Trust Fund on a per-tree basis for the loss of the functions and values of the tree, at a standard rate of \$200 per diameter inch removed. The city's landscape manual may adjust these costs periodically (by way of a multiplier) to account for inflation.
 - (5) Exemptions. An applicant may be exempt from the alternative plans and replacement requirements above, but subject to the tree replacement requirements above, under the following circumstances:
 - a. Upon submittal of a statement from a certified arborist which indicates that a specimen tree, due to disease, condition, growth habit, listing as Category I Invasive by the FLEPPC, or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree, or site-specific factor outside of the control of the current and previous property owners or current applicant which makes the tree non-

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viable. Said statement shall include the specific reasons for the claimed exemption from the provisions of these regulations.

Sec. 34-449. - Tree Protection Standards.

(a) Protection requirements during construction. During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:

- (1) Protective barriers shall be placed around the critical root zone of each tree, cluster of trees, or the edge of the preservation area. The critical root zone shall be calculated at 8 inches in radius per inch in DBH, with a minimum radius of six feet unless a lesser distance is specified by the administrative official. Protective barriers shall be a minimum of four feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the administrative official has authorized their removal. Protective barriers shall be in place prior to the start of any construction, and shall include signage in English and Spanish indicating that disturbance within the protected areas is prohibited
- (2) Understory plants within protective barriers shall be protected.
- (3) No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers, or any ground surfaces or existing drainage facilities on the site.
- (4) Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.
- (5) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of approved site development activities such that the safety of the tree may be endangered, tree wells or retaining walls may be required by the city.
- (6) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunneling or overhead utility lines.
- (7) Fences, walls, and any other construction activity approved by the city to occur within the limits of the CRZ/tree protection area shall be constructed to minimize disturbance to any protected tree to the maximum extent practicable. Postholes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots. All other work within this area shall be conducted by hand/with hand-held tools, and all paving must be placed above-grade.
- (8) A tree protection plan, as defined in this chapter.

(b) Tree relocation standards. The relocation of any tree subject to the provisions of these regulations shall be consistent with the minimum standards of the American National Standards Institute (ANSI) and the tree relocation standards promulgated by this chapter and contained within the city's landscape manual.

Sec. 34-450. – City of Miami Gardens Tree Trust Fund.

(a) Establishment of trust. There is hereby created the Miami Gardens Tree Trust Fund for the purpose of accepting and disbursing the tree mitigation fees paid to the city as part of tree permits. The Tree Trust Fund shall be established and maintained separately from the general revenue and other accounts of the city.

Use of funds. Funds disbursed from the Tree Trust Fund shall exclusively be used for tree planting and relocation on public property within the city. Trees purchased may also be given to the general public to enhance the tree canopy of the city. Funds from the Tree Trust Fund, in an amount totaling no more than ten percent of Fund disbursements in a given year, may be used for supporting activities related to tree replacement and canopy restoration including tree inventories and analysis, landscape design services,

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landscape inspections of new plantings, irrigation, and staff training for landscape inspections. Allowable expenditures pursuant to this chapter shall be made by the Director of Planning & Zoning or his/her designee. (Ord. No. 2010-10-218, § 2(14-120), 4-7-2010)

Sec. 34-451. - Maintenance Requirements.

- (a) Responsibility. All owners of land or their agents shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, lakes and canal banks.
- (b) Intent. 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.
- (c) Safety. Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches and those obstructing street lighting and maintenance of sight distance standards as set forth herein.
- (d) Natural habitats. Dead or declining plant material considered to be part of a natural habitat feature located on public property are exempt from these landscaped maintenance provisions except where maintenance is necessary to avoid damage to public property or to mitigate safety hazards.
- (e) Standards. Landscaping shall be maintained in accordance with the following standards. The city may require a landscape maintenance plan as a condition for approval of a landscape plan or tree removal permit, or in response to a finding of noncompliance/ nonconformance of existing landscaping. The contents of the landscape maintenance plan shall follow the requirements stated in the city landscape manual, including the following:
 - (1) Insects, disease, etc. Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.
 - (2) Mulch. Three inches of clean, weed-free, approved organic mulch shall be maintained over all areas originally mulched at all times until landscaped area matures to 100 percent coverage. The use of heat-treated mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities. For this reason, the use of Cypress mulch is strongly discouraged.
 - (3) Turf edge trimming. All roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plant material.
 - (4) Irrigation systems:
 - a. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes.
 - b. Irrigation systems shall be designed, installed and maintained to minimize application of water to impervious areas and/or so as not to create a vehicular use hazard on rights-of-way, ingress/egress easements or other vehicular use areas.
 - c. Low-volume, drip, trickle and emitter irrigation is encouraged to promote good Florida Friendly principles where applicable.
 - d. A functioning rain sensor/shutoff device shall be required on all irrigation systems installed after 1991 as mandated by F.S. § 373.662.
 - e. In order to reduce the amount of water lost to evaporation, irrigation systems shall be operated between the hours of 5:00 p.m. and 8:00 a.m. only, or as amended by state, county, city and/or South Florida Water Management District regulations. It is furthermore

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strongly recommended that irrigation systems operate primarily in the early morning hours after 4:00 a.m. to reduce the likelihood of any horticultural plant diseases developing. Operation of the irrigation system for maintenance, repair, sod installation for new construction and landscape maintenance activities (such as required application of water to apply fertilizer, herbicides and pesticides) is not limited to these hours.

f. The duration that zones are operated should be adjusted to reflect the size of the zone as well as the needs of the plant material in the zone. Unnecessary and excessive watering can promote root rot and other plant diseases.

g. Under drought conditions, compliance with the watering restrictions of the South Florida Water Management District is required.

(5) Pruning. Any necessary tree pruning must conform at a minimum to ANSI A-300 standards and as set forth in the city's landscape manual.

Secs. 34-452—34-470. - Reserved.

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DIVISION 8. - Business Transitional Overlay District (BTO)

~~Secs. 34-615—34-627. - Reserved.~~

Sec. 34-615. Purpose and intent

The Business Transitional Overlay (BTO) is intended to encourage redevelopment of underutilized properties and consolidation of developable parcels, thereby achieving more efficient land use and improved site design, while providing a smooth transition between residential and commercial properties.

Sec. 34-616. District conditions

1. Permitted uses, Accessory Uses. The BTO district is intended to accommodate small scale, low-intensity office, personal care and professional service uses pursuant to Article IX and X of this chapter except for the following uses:
 - a. Restaurant, Food And Beverage Service Type Uses shall be limited to cafes and sandwich shops
2. Development Standards for Non-residential uses. Non-residential uses shall comply with the following minimum lot standard requirements:
 - a. Minimum lot area: 10,000 square feet
 - b. Minimum lot frontage: 100 feet
 - c. Minimum front setback: 10 feet
 - d. Minimum rear setback: 25 feet
 - e. Minimum side street: 15 feet
 - f. Interior side abutting residential: 25 feet
 - g. Interior side from non-residential: 10 feet

Secs. 34-617—34-627. - Reserved.

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EXHIBIT B – PROPOSED AMENDMENTS (THIRD READING)

PROPOSED AMENDMENT 1

DIVISION 8. - Business Transitional Overlay District (BTO)

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Sec. 34-616. District conditions

1. Permitted uses, Accessory Uses. The BTO district is intended to accommodate small scale, low-intensity office, personal care and professional service uses pursuant to Article IX and X of this chapter except for the following uses:
 - a. Restaurant, Food And Beverage Service Type Uses shall be limited to cafes and sandwich shops
2. Uses permitted with extra requirements.
 - a. In addition to the standards set forth in Section 34-288, Banquet Hall facilities within the BTO district shall be subject to an additional administrative review whereby the administrative official or designee 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.
3. Development Standards for Non-residential uses. Non-residential uses shall comply with the following minimum lot standard requirements:
 - a. Minimum lot area: 10,000 square feet
 - b. Minimum lot frontage: 100 feet
 - c. Minimum front setback: 10 feet
 - d. Minimum rear setback: 25 feet
 - e. Minimum side street: 15 feet
 - f. Interior side abutting residential: 25 feet
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