

**CITY OF HOMESTEAD, FLORIDA**

**ORDINANCE NO. 2024-01-02**

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA,  
**AMENDING THE CITY OF HOMESTEAD CODE OF ORDINANCES BY  
AMENDING CHAPTER 30, “ZONING,” ARTICLE III, “DISTRICT  
REGULATIONS,” BY CREATING DIVISION 26, “TECHNOLOGY  
MIXED USE DISTRICT”**; PROVIDING FOR INCLUSION IN THE CODE;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;  
AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the Future land Use Element of the Comprehensive Master Plan (“Comprehensive Plan”) for the City of Homestead, Florida, contains a future land use category entitled “Technology Mixed Use” or “TMU”; and

**WHEREAS**, the purpose of the TMU is to create a land category that provides for mixed-use projects and a mix of uses in projects with particular emphasis on clean, light, and technology driven industries; and

**WHEREAS**, absent a companion ordinance implementing the TMU, the Comprehensive Plan initially provided that the TMU land-use category was to be implemented through zoning regulations in the City Code applicable to BA-1, B-1, B-2, and B-3 zoning districts, as applicable, until such time as the TMU zoning district is created; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City considered an application (Application 2017-51) to approve a text amendment to the TMU land-use category to allow for TMU to be implemented through Planned Unit Development (PUD) Zoning Districts; and

**WHEREAS**, on February 21, 2018, the City Council approved the amendment to the TMU land use category allowing for TMU to be approved through PUD, in addition to the aforementioned zoning districts; and

**WHEREAS**, on December 3, 2021, an application (the “Application”) was submitted to the City requesting an amendment to the City Code of Ordinances (the “Code”) to establish the “TMU Zoning District” fully implementing the TMU land-use category, pursuant to the provisions herein, so as to create an additional zoning category to better achieve the goals, objectives, and policies, of the Comprehensive Plan and promote better quality design, accessibility, livability and workability of properties developed within the TMU land-use category; and

**WHEREAS**, the City Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on June 21, 2023 and recommended its approval; and

**WHEREAS**, the City Council has reviewed this Ordinance at two duly noticed public hearings in accordance with law; and

**WHEREAS**, the City Council finds that this Ordinance, establishing the TMU Zoning District, is consistent with the goals, objectives, and policies of the City’s adopted Comprehensive Plan, including the TMU future land-use category.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HOMESTEAD, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

**Section 2. Amendment to the Code of Ordinances.** The Code of Ordinances for the City of Homestead is hereby amended as follows:

Chapter 30 – Zoning

\* \* \*

Article III. – DISTRICT REGULATIONS

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**DIVISION 26. – Technology Mixed Use District**

**Section 30.396-560. – Purpose.** The Technology Mixed Use (TMU) district is intended to facilitate mixed use and/or mix of uses developments that integrate residential and work-live uses, in combination with, adjacent to, and/or near commercial uses, encompassing retail and work sectors, focused on improving the well-being of the community in various educational, practical, industrial, and health fields through the advancement of technology, and create less intense and dense mixed-use nodes outside of the city's downtown area, in and for properties designated Technology Mixed Use on the City of Homestead Future Land Use Map. The TMU District is intended to accomplish the following objectives:

1. Allow a diversity of uses, housing types and open space, incorporated into projects in a manner compatible with commercial uses and existing and planned uses on adjacent and other affected properties;
2. Provide maximum opportunity for the application of innovative site planning concepts to the creation of aesthetically pleasing environments for living, shopping, and working on properties of adequate size, shape and location.
3. Allow for innovative design that promotes more efficient, resilient, and smart buildings and spaces;
4. Provide meaningfully integrated common open space and developed recreation areas;
5. Promote creativity in development layout, design, and construction;
6. Encourage economic development, workforce sustainability and job creation throughout the community; and
7. Foster walkability by interconnecting to the network of pedestrian friendly streets, by creating a network of sidewalks within their property, and by creating or enhancing community benefiting assets within their development

**Section 30.396-561. – Applicability.** All laws, ordinances, rules and regulations of the city, including, but not limited to subdivision control, zoning, parking, landscape, sidewalk, signs, etc. shall be applicable to the Technology Mixed Use district except wherein the laws, ordinances, rules and regulations are in conflict with the terms and conditions of this article, in which case this Division shall take precedence. Notwithstanding the foregoing, nothing herein shall be construed to take precedence over the city's subdivision regulations and procedures as set forth in Chapter 25 of the Code. Furthermore, all signage regulations in the Technology Mixed Use district shall be consistent with Division 3, section 23-76, "Prohibited Signs" and section 23-91, "Bill Boards" et seq. of the city code.

**Section 30.396-562. – Permitted and Prohibited Uses.**

A. The TMU zoning district shall permit a combination of uses within one development, inclusive of vertical and horizontal, mixed-use and mix-of-uses configurations. Residential uses shall be permitted in this district pursuant to requirements of the underlying land-use category. A Master Site Plan and Regulating Plan that is consistent with the regulations contained in this Division is required to be submitted with an application to rezone to TMU zoning district. Permitted commercial uses include clean, light industry, such as, without limitation, computer research, development, manufacturing and servicing, software development, telecommunications, testing and calibration, as well as those commercial uses permitted in B-1A (Professional Business Restricted), B-1 (Restricted Retail Commercial), B-2 (Retail Commercial) and part of B-3 (Liberal Business) zoning districts are permitted. Permitted uses shall also be compatible with the physical and environmental characteristics of the site and surrounding lands. Outdoor dining shall be permitted, as of right, in connection with permitted commercial uses.

B. Residential densities as permitted by the TMU land use category and commercial intensities shall be arranged within a property zoned TMU in consideration of the following factors:

1. The location of TMU parcel and the densities and intensities of adjacent properties;
2. The availability and location of public and utility services and facilities;
3. The trip capture rate of development, if any; and
4. The degree of internal and external connectedness of streets.

C. Prohibited uses include airports, airplane hangars, airplane repair shops, automobile and truck services and facilities, contractor plants, and storage yards (inclusive without limitation of vehicle storage) (as primary or ancillary use), pawnshops, engines, gas, gasoline, steam and oil, sales and service, fertilizer stores, and tire vulcanizing and retreading or sale of used tires, adult uses, large-scale retail

establishments, and such other uses deemed incompatible with the surrounding uses are prohibited.

For the purposes of the TMU zoning district, a “Large-Scale Retail Establishment” is defined as a retail establishment having greater than forty thousand (40,000) square feet in gross floor area. The gross floor area shall include building gross floor area and ancillary outdoor storage or merchandise display areas. For the purposes of this definition, the floor area shall not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the forty thousand (40,000) square feet of floor area, the aggregate square footage of all adjacent stores or retail tenants that share common check-out stands shall be considered one establishment.

D. Mixed Use. Vertical and/or horizontal mixed use is required. A mixed-use residential building located within the TMU zoning district shall only permit nonresidential uses on the ground floor. Mixed-use developments shall provide integrated open space for public use. A minimum of twenty (20%) percent of the land area, excluding amenities, open/green space, retention areas, and private and public rights of ways, shall be mixed-use or, in the case of horizontal mixed use, commercial and other non-residential uses.

E. Minimum Unit Size. The following minimum unit size requirements shall apply.

(1) Townhouse/clusterhouse. A townhouse or clusterhouse with two (2) or fewer bedrooms shall contain a minimum of one thousand, one hundred (1,100) square feet under air. An additional one hundred fifty (150) square feet shall be provided for each additional bedroom.

(2) Apartment/condominium unit. An apartment or condominium with two (2) or fewer bedrooms shall contain a minimum of one thousand (1,000) square feet under air. An additional one hundred fifty (150) square feet shall be provided for each additional bedroom.

(3) Mixed use requirements. Any type of residential unit with two (2) or fewer bedrooms, located within a mixed use development, shall contain a minimum of one thousand (1,000) square feet under air. An additional one hundred fifty (150) square feet shall be provided for each additional bedroom.

For purposes of this section, under air shall mean habitable space provided within a dwelling unit. Such habitable space shall exclude garages, unenclosed and enclosed patios, storage sheds, tool sheds, etc.

**Section 30.396-563. – Master Site Plan and Regulating Plan, Generally.** To qualify to be zoned to the TMU District, a property or several aggregated parcels must be designated Technology Mixed Use on the city’s future land use map and be of sufficient size to permit design and development as a cohesive mixed-use project, which shall be no less than forty (40) gross acres. Parcels ten (10) gross acres or greater but less than forty (40) acres may be eligible to be rezoned to TMU District, provided that the proposed

development standards demonstrate the development will utilize sound urban design principles as specified herein and will provide for compatibility and connectivity with adjacent land uses. Properties zoned TMU District shall be developed in a manner consistent with all applicable elements of the city's adopted comprehensive plan, including, but not limited to, its proposed internal design, use, and its relationship to adjacent areas and to the city as a whole. All land uses proposed within a TMU site must be compatible with and avoid undue adverse impacts on other proposed uses and surrounding uses. Properties within the TMU District must be governed by an approved Master Site Plan and Regulating Plan, establishing the specific regulations for the site in both words and diagrams, inclusive of, without limitation, maps designating the locations of the applicable standards for the various elements on a given site.

A. The Master Site Plan and Regulating Plan shall provide the minimum standards required in this Division, with careful consideration to quality of community planning, the form of buildings, landscape, and architectural design and flexibility in the layout and design. The Master Site Plan and Regulating Plan shall specify and must include:

1. All areas within the boundaries of the property existing and proposed shall be identified as to acreage, use, density and purpose. In addition, overall acreage of development, gross density, net density, percentage of uses, percentage of open green space, public and private areas by types, and net acreages and densities by uses;
2. The location of structures and proposed land uses and design regulations, building types, building orientations height, lot dimensions, setbacks, distance between structures, unit size, frontage and accessibility;
3. All major streets in and around the development, existing and proposed, identified, numbered, or clearly labeled; along with anticipated roadway and other streetscape improvements; alignment and width of all arterial and collector roads, existing and proposed, radii of all curves, intersection and lane requirements;
4. All sidewalks, lanes, or pathways for pedestrian circulation;
5. All multimodal transportations access points;
6. Mobility Plan, including but not limited to proposed city trolley stops, bus shelter and designated ride share pick-up and drop-off locations;
7. The location and quantity of all parking spaces;
8. General landscaping features, existing and proposed, and landscaping material;
9. Street furniture plans including benches, water fountains, and pet waste stations.
10. Location and phasing of all common areas and open, recreation, and green space;
11. Location of indoor amenities;

12. Location and approximate width of all existing or planned canals, waterways, lakes, retention or impoundment areas, ditches and watercourses;
13. Location of all bulkheads, docks, piers, retaining structures and all other structures of similar nature or purpose;
14. Entrance Feature location; and
15. Slope for any proposed water features or storm retention ponds.

B. Applications shall demonstrate, in accordance with Chapter 1.5 of the city code, the manner in which the project impacts to level of service and concurrency standards are being addressed. Improvements intended to address impacts, inclusive of, but not limited to, traffic, water, sewer, and stormwater improvements, shall either be incorporated into the Master Site Plan and Regulating Plan as on-site improvements or shall become conditions of the site plan approval for off-site improvements.

C. The Regulating Plan shall be established and implemented with particular focus on urban design concepts that produce a cohesive urban development. The goal is a design that integrates the various intensities and densities of uses on a given site through appropriate placement and scaling of buildings and connectivity at the pedestrian and vehicular level. The arrangement of forms and roadway types is intended to produce communities that have a pedestrian scale, while accommodating a variety of modalities. Emphasis should be placed on creating an interconnected network of streets and public spaces, using features such as, without limitation, hierarchy of streets, complete streets, streetscaping, and transitional uses. To the greatest extent practicable, the Regulating Plan shall incorporate urban design concepts, methods, principles, and features included in the Miami-Dade County Urban Design Manual and the City of Homestead Comprehensive Plan and Code, as may be established and amended from time to time.

**Sec. 30-396.564. – Open Space Requirements.** All private and common open space and recreational facilities shall be designated in the Master Site Plan and Regulating Plan. All common open space and recreational facilities shall be preserved for its intended purpose as expressed in the adopted Master Site Plan and Regulating Plan. The developer shall provide for and establish a mechanism, such as a homeowners' association, for the ownership and maintenance of usable common open space or other recreational facilities contained within a TMU zoned property. All common recreation and open space shall continue to conform to its intended use and remain as expressed in the Master Site Plan and Regulating Plan. Private and common open space shall be a combined minimum of at least 20% of the development lot area. Water bodies shall not be counted towards open space requirements. In connection with residential development, a community garden and indoor recreation should be considered as an amenity for future residents.

**Sec. 30-396.565. – Fences.** Fence/wall requirements are determined by the building types and regulations as set forth in the Regulating Plan. Where a Regulating Plan does not determine fence/wall requirements, fence restrictions shall be as provided in Section

30-468 et seq. of the city code, except that no chain-link fences shall be permitted for residentially developed properties.

**Sec. 30-396.566. – Landscaping.** Landscaping shall be a coherent design with emphasis on tree canopies along the publicly accessible paseos, promenades, and other pedestrian paths that are distinguishable from streets in terms of location and functions. Landscaping shall otherwise meet the landscaping requirements as described in the building types and regulations set forth in the Regulating Plan. Landscaping shall meet the applicable provisions of chapter 29 of the city code.

**Sec. 30-396.567. – Sidewalks.** Sidewalks shall meet requirements as described in the approved Regulating Plan. Where a Regulating Plan does not provide sidewalk requirements, sidewalks shall be as required in section 24-41 et seq. of the city code.

**Sec. 30-396.568. – Signs.** Signs shall be required as set forth in the building types and regulations set forth in the Regulating Plan. Where the Regulating Plan do not determine sign requirements, sign regulations shall be as required in Chapter 23 of the City Code.

**Sec. 30-396.569. – Parking.** Parking shall be as required by the Access, Circulation, Parking and Loading Standards in the Master Site Plan and Regulating Plan. Where parking standards are unaddressed, Parking shall be as required in section 30-431 et seq. of the city code, except that parking requirements for mixed-use buildings shall be one (1) space per residential unit and one (1) space for every four hundred (400) square feet of nonresidential use. Master Site Plan and Regulating Plan shall include location and number of parking and charging stations for Electric Vehicles (“EV”).

**Sec. 30-396.570. – Rooftop screening.** All rooftop mechanical equipment including but not limited to heating, ventilating, air conditioning machinery, accessory communications equipment, public utility service fixtures, and elevator facilities shall be screened from the public view by a parapet wall or similar solid barrier as approved by the director of development services.

### **Section 30.396-571 – Development Approval.**

A. To rezone a qualifying property to the TMU Zoning District, the applicant shall submit an application, with the following requirements:

- (1) A full legal description of the property with attached copies of any instruments referred to such as deeds, plats, covenants or restrictions;
- (2) A recent boundary survey with north with arrow and scale;
- (3) A recent aerial photograph with project boundaries clearly marked;
- (4) The names and addresses of the owners of the property to be rezoned and evidence of unified control of the property;
- (5) The total area of the site in acres and square feet;



- (6) Master Site Plan and Regulating Plan reflecting the requirements of this Division for the project;
- (7) A statement as to how the proposed project conforms to the city's adopted comprehensive plan;
- (8) A traffic impact study at no expense to the city. Such study shall include the impact of the proposed development on the surrounding area, the traffic potential to be generated by the development, the adequacy or inadequacy of existing streets to safely carry the predicted traffic loads, necessary changes in the street system or design caused by the development, projected costs of such improvements which may not be borne by the developer, and such other information as may be required by the Development Services Director;
- (9) Provision for community infrastructure as set forth in chapter 25, article V.21;
- (10) Provision for policing of private roads, if applicable, such as by police access covenant;
- (11) A progress plan delineating the various development phases, if more than one (1), and specifying a reasonable time allocation for each phase; and
- (12) The names and addresses of all property owners within 500 feet of the proposed project boundaries;

Upon a determination by the Development Services Director that an application submitted pursuant to this Section is complete, the application shall be routed for review and consideration, pursuant to Section 30-41.

B. Upon approval of the rezoning to the TMU district and the corresponding Master Site Plan and Regulating Plan, all requests for development on the subject property shall be accomplished by administrative site plan review, pursuant to Section 30-47(c). Site plan review shall otherwise be pursuant to Section 30-47. Administrative site plan approval shall not obviate the public hearing requirement for subdivision approvals as specified in Chapter 25 of the Code.

### **Section 30.396-572 – Major and Minor Modifications.**

A. *Modifications to approved TMU Master Site Plan and Regulating Plan, generally.* Any desired changes to an approved Master Site Plan and Regulating Plan constituting a major modification shall require approval of the city council. A major modification is defined as an amendment to a Master Site Plan and Regulating Plan that adds or eliminates a use or a material condition of the project or significantly increases the density or intensity of the development, except as otherwise permitted herein. A minor modification shall be any change in the Master Site Plan and Regulating Plan determined not to be a major modification by the Development Services Director, including, but not limited to:

1. an exchange in the type of uses, not to exceed fifteen percent (15%) of the approved amounts, based on a submitted and approved equivalency matrix using peak afternoon traffic trips as the equivalency factor;
2. A decrease in the density or intensity of any use by no more than ten (10) percent;
3. An increase or decrease in the amount of open space or recreation area by no more than ten (10) percent, or an increase necessary for a community park, school, or sports facility;
4. A change in the amount of acreage of lakes, that does not exceed five (5) percent of the total acreage of lakes;
5. The realignment or modification of roadways inside the project, provided the Development Services Director determines that such change does not materially affects the levels of service of roads and intersections within and immediately surrounding the project, with comment the city police department and public works department and utilities department;
6. The addition of no more than ten (10) acres to the development, under either of the following conditions:
  - i. If the additional acreage is used for open space, park and/or public school uses, and is not offset by a decrease in such uses; or
  - ii. If the additional acreage is used for any other permitted non-residential use, such as commercial, institutional, and/or industrial uses, and is recommended for approval by the Development Services Director or designee; otherwise said change will be considered a major modification.

B. *Modifications to an approved Master Site Plan and Regulating Plan, procedures.* An application for an amendment to a Master Site Plan and Regulating Plan approved pursuant to this Division shall be submitted and processed in accordance with the requirements of this subsection. The Development Services Director or designee shall determine whether a proposed amendment is a major modification, considering the impacts on facilities and services, compatibility with other development depicted on the master development plan and on surrounding development and other factors he or she considers relevant.

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**Section 3. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Homestead. The City Clerk is authorized to take all actions necessary to

incorporate the provisions of this Ordinance into the Code of Ordinances, including but not limited to, renumbering or re-lettering sections and to change and what the word “ordinance” may be changes to “section,” “article,” or such appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, if being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon passage and adoption by the City Council on second reading.

**PASSED** on first reading this 13<sup>th</sup> day of December, 2023.

**PASSED AND ADOPTED** on second reading this 24<sup>th</sup> day of January, 2024.

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STEVEN D. LOSNER,  
Mayor

ATTEST

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ELIZABETH SEWELL, MPA, MMC, FCRM  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND BENEFIT OF THE CITY OF HOMESTEAD ONLY:

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
City Attorney

Motion to adopt by Councilman Canabal, seconded by Vice Mayor Fletcher.

**FINAL VOTE AT ADOPTION**

<i>Mayor Steve D. Losner</i>	<u>YES</u>
<i>Vice Mayor Sean L. Fletcher</i>	<u>YES</u>
<i>Councilwoman Erica g. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES</u>
<i>Councilman Clemente Canabal</i>	<u>YES</u>
<i>Councilman Thomas Davis</i>	<u>YES</u>
<i>Councilman Larry Roth</i>	<u>YES</u>