

Temp. Ord. No. 1685  
2/21/18  
2/28/18

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. 18-07**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; MAKING FINDINGS; AMENDING SECTION 201, PROVIDING NEW AND AMENDED DEFINITIONS; REVISING SECTION 308.11 RELATING TO PARKS AND RECREATION LEVEL OF SERVICE; AMENDING SECTIONS 318.2 AND 318.4 RELATING TO BUILDING PERMITS; AMENDING SECTIONS 319.1 RELATING TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AMENDING SECTIONS 321.1.2, 321.1.4, 321.1.9, AND 321.2 RELATING TO THE ISSUANCE OF A ZONING CERTIFICATE OF USE; REVISING SECTION 322.1, 322.2.2, AND 322.3, TABLE 8, CLARIFYING PROVISIONS RELATING TO TEMPORARY USE PERMITS; AMENDING SECTIONS 402.4 AND 402.7, TABLE 402-3, MULTI-FAMILY RESIDENTIAL DISTRICT DRAWINGS AND RM-4 SETBACKS; REVISING SECTION 402.7, TABLE 403-1 HOSPITAL AND HOTEL/MOTEL PERMITTED, CONDITIONAL, AND PROHIBITED USES IN THE OS, CR, AND CF ZONING DISTRICTS; REVISING LOT DIMENSIONS IN SECTION 404.5, TABLE 404-2; CLARIFYING SECTION 405.3.2 URBAN GARDEN OPERATIONAL STANDARDS; REVISING SECTION 405.6.1 RELATING TO AUTO REPAIR, PAINT AND TIRE STORE STANDARDS; AMENDING SECTION 802.4.4, TABLE 802-1 RELATING TO RIGHT-OF-WAY WIDTHS FOR TOWN HOME OR LIMITED ACCESS TRACTS; AMENDING SECTION 803.3.2 CLARIFYING RESIDENTIAL ROOF AND DRIVEWAY STANDARDS; AMENDING SECTIONS 809.12 AND 809.12.1 RELATING TO SWIMMING POOL STANDARDS; PROVIDING FOR INTENT AND INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INTERPRETATION; PROVIDING THAT CITY OFFICIALS MAY TAKE ACTION TO IMPLEMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is in the process of updating the entire Land Development Code ("LDC") in a phased manner with the intent to: promote form-based urban design and incorporate Smart Growth principles; promote sustainability and food systems policy; embrace standards and uses that enhance the City's economic development, as

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embrace standards and uses that enhance the City's economic development, as well as redevelopment and infill development opportunities; eliminate and minimize conflicts; minimize the need for variances; and incorporate user-friendly language, graphics and tables to enhance readability and usability; and

**WHEREAS**, as part of the process of LDC revision, it is necessary to clarify and make minor adjustments to LDC provisions previously adopted; and

**WHEREAS**, the Goal of the Future Land Use Element of the Comprehensive Plan provides that:

Maintain a long-range future land use pattern which promotes the orderly and well-managed growth and development of the community, producing quality neighborhoods, enhancing the city's aesthetic appeal, conserving the natural environment and open space, supporting a vibrant economic tax base, and minimizing risks to the public's health, safety and welfare; and

**WHEREAS**, the Planning and Board finds that this Ordinance is consistent with and will further the aforementioned Future Land Use Element Goal; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has found this Ordinance to be consistent with the Comprehensive Plan and in particular the aforementioned Goal; and

**WHEREAS**, Section 302.1 of the LDC provides:

*302.1. Purpose.* The purpose of this article [adoption procedures] is to provide a uniform procedure concerning the review of proposals for amendments to these regulations, to provide for the continued integrity of these

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regulations; to adapt to changes in the community; and to allow the public an adequate opportunity to be heard concerning issues arising under or incidental to these regulations and amendments hereto. Whenever the public necessity, convenience, general welfare or good zoning practice and planning techniques require, the city commission may, by ordinance duly adopted in accordance with the procedures set forth herein, amend and/or supplement this Code. All amendments of the code shall be consistent with the adopted comprehensive plan; and

**WHEREAS**, Section 302.1 of the LDC provides in part:

*302.5.2. Action by the Board.* In considering amendments to the text, the planning and zoning board shall review the proposed language, the general purpose and standards set forth in this section, the report of the department and any oral or written comments received before or at the public hearing. If the board finds that the proposed amendments are in compliance with the general purpose and standards, then they shall recommend approval of the amendment to the city commission. . . .

**WHEREAS**, the Planning and & Zoning Board, has found this Ordinance to be consistent with the general purpose and standards set forth in Section 302.1 of the LDC; and

**WHEREAS**, Section 302.7 of the LDC provides in part:

*302.7. Standards for reviewing proposed amendments to the text of this Code.* In deciding whether to recommend approval of a proposed amendment, city staff, the department, the planning and zoning board and the city commission shall determine whether or not:

- (1) The proposed amendment is legally required; and
- (2) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan; and
- (3) The proposed amendment is consistent with the authority and purpose of this Code; and

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(4) The proposed amendment furthers the orderly development of the city; and

(5) The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes the public health, safety, welfare, and aesthetics; and

(6) The proposed amendment improves the administration or execution of the development process.

**WHEREAS**, the City Commission and the Planning and Zoning Board have reviewed this Ordinance and its relationship to the provisions of Section 302.7 of the LDC; and

**WHEREAS**, in particular the City Commission finds that this Ordinance will improve administration and execution of the development process, because it clarifies various LDC provisions; and

**WHEREAS**, in particular the City Commission finds that this Ordinance is consistent with the authority and purpose of the LDC, and the City Commission adopts the Planning and Zoning Board's finding of consistency with the Comprehensive Plan; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:**

**Section 1:** That the foregoing "**WHEREAS**" clauses are ratified and confirmed

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as being true and correct and are made a specific part of this Ordinance.

**Section 2:** That section 201 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

**Sec. 201. – General terms.**

The following words, terms and phrases, when used in this LDC, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Constrained facility* shall mean a road segment which is not planned for a capacity improvement in the Broward County Metropolitan Planning Organization's (MPO) adopted Long Range Transportation Plan.

**Covered Patio means an area, usually paved and with a roof attached to a house that may be used as an area for outdoor recreation.**

*Cure* means a variance granted pursuant to this ordinance, which authorizes the continued use and enjoyment of private property, as a lawful use, subsequent to the creation of a nonconformity by an acquiring authority.

\* \* \*

*FAA* means the Federal Aviation Administration.

*FBC* means the Florida Building Code.

*FCC* means the Federal Communications Commission.

\* \* \*

*Height* means the height of a building with a gabled or hip roof which is the vertical distance measured from the average elevation of between the finished building grade to the top of the roof of the uppermost story at the center of the front of the building to the highest point of the roof surface excluding mechanical equipment, chimneys, spires, steeples, radio or television antenna, flag poles, solar apparatus and utility poles. The height of a building with a flat or nearly flat roof shall be measured from the footing as stated in this definition to the highest point of the roof (but the parapet or coping shall not be used). ~~The height of a structure shall be measured to the mean height between eaves and ridge for a gable, hip and gambrel roof, and to the highest point of a flat roof and to the decline of a mansard roof.~~

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\* \* \*

*Medical office or clinic* means an establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, surgeons, acupuncturists, podiatrist, psychiatrists, or any such profession, the practice of which is lawful in the State of Florida. Pharmacies, as defined in this section, are not medical offices or clinics.

*Micro Units ~~Micro-unit~~ or Micro Unit Apartments* means studio apartments a one-room, self-contained living unit, usually purpose built, designed to accommodate a sitting space, sleeping space, bathroom and kitchenette with up to that range between 350 and 500 square feet and include a fully functioning kitchen and accessible bathroom within the space.

*Microwave dish antenna* means a dish-like antenna used to link telecommunications sites together by wireless transmission and/or receipt of voice or data.

\* \* \*

*Natural forest community* means all native stands of trees equal to or greater than two acres in size, including their associated understory.

*Neighborhood Support Business* means ~~shall mean~~ uses permitted in the Neighborhood Business (B1) zoning district. Uses that require conditional use approval within a B1 zoning district will not be considered neighborhood support businesses.

*Net parcel area* means the total area of a development parcel less water bodies below the control water elevation (excluding wetlands), rights-of-way, land dedicated or reserved for public parks (excluding tot lots and private recreation areas), the FP&L main power transmission easement and the gas pipeline easement.

\* \* \*

*Substantial improvement* shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the predestruction market value of the structure, as determined by the of Broward County property appraiser, either (1) before the improvement or repair is started, or (2), if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the

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structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or any inventory of local historic places.

TCO means a temporary certificate of occupancy.

*Telecommunications* shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

\* \* \*

*Warehouse—Self storage* means a business or building used primarily for storage of materials and personal goods by businesses and persons. A warehouse—self storage building is leased in small increments to businesses and persons which do not conduct any business activity from the leased area and do not require an occupational license pursuant to the City Code.

Waste means and includes sludge garbage, rubbish, refuse, special waste, yard trash, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. As used herein, "special waste" means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes. As used herein, "yard trash" means vegetative matter resulting from landscaping maintenance and land clearing operations and includes associated rocks and soils. See F.S. §403.703.

*Wetland* means that land which is subject to F.S. § 403.91.

\* \* \*

**Section 3:** That section 308.11 of the Land Development Code of the City of Miramar, Florida, is ~~are~~ hereby amended to read as follows:

*308.11. Parks and Recreational Areas.* The owner of land who has applied for approvals for residential development containing twenty (20) or more residential dwelling units, and pursuant to the applicable land development regulations shall be required to provide for the park, open space, and recreational needs of the future residents of the developed areas. Parks and recreational areas shall be available at

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the rate of four (4) acres of parkland per 1,000 residents, concurrent with demand. Residential developments with less than twenty (20) units or located within the City's TOC are exempt from this requirement and instead shall be required to make payment of the established Community Parks Land Dedication impact fees.

The DRC shall certify compliance with specifications and standards adopted by the city and the adequacy of park land conveyed by the developer or property owner and/or park land funds to meet the obligations of the proposed development. A development shall not be approved, unless it is determined that adequate park land area is available or will be available prior to the granting of the first certificate of occupancy for the new developer. The city's director of parks and recreation shall be responsible for determining parks and recreation capacity.

Developers of residential property or residential units within a mixed-use category located within the transit oriented corridor land use designation district shall be exempt from the procedures of sections 308.11.1 and 308.11.2 below for land conveyance or entering into a park agreement as provided for in section 308.11.1(2) with the city but shall instead pay the established community parks land dedication impact fee, prior to the issuance of a building permit for the proposed development.

**Section 4:** That section 318.2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*318.2. Application Requirements.* Each application shall describe the land on which the proposed work is to be done, by legal description and address; shall be accompanied by an up-to-date survey no less than 180 days old (or five seven years old for single- or dual-family homeowner owner-occupied properties); shall show the use or occupancy of the building or structure; shall be accompanied by plans and specifications as required; shall state the value of the proposed work; shall give such other information as reasonably may be required by the building official to describe the proposed work; and shall be attested by the qualified applicant. The building official may waive the requirements for such survey when property line stakes are existing and are determined by the building official to be in place, and the work involved is minor in character or is clearly within building lines.

**Section 5:** That section 318.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*318.4. Permit Card.* Upon approval of plans, specifications and application for



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permit and the payment of the required fees, the building official shall issue a permit. With each permit, the building official shall issue a ~~weather-resistant~~ permit card which shall bear the description of the property, the nature of the work being done, the name of the owner and contractor and other pertinent information; and such card shall be maintained in a conspicuous place on the front of the premises affected thereby during the hours of work in progress and available on demand for examination by inspectors.

**Section 6:** That section 319.1 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*319.1. Purpose and Effect.* No new building or structure shall be used or occupied unless and until a certificate of occupancy (CO) has been issued by the building ~~division~~ official. No addition or structural alteration to any existing building or structure, other than a single-family detached dwelling, shall be used or occupied until and unless the CO or certificate of completion (CC) has been issued. No new nonresidential use, and no change in the occupancy of an existing nonresidential use, shall be established until and unless a CO has been issued by the building official.

**Section 7:** That section 321.1.9 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*321.1.2. Zoning Certificate of Use Required.* No building, location, or structure used for the purpose of exercising the privilege of doing business within the city limits shall be used or occupied for any business, profession or occupation without first obtaining a ZCU pursuant to this LDC. Businesses, professions or occupations which are subject to the requirement for a business tax receipt (BTR) pursuant to section 11-27 of the Code of Ordinances shall be subject to the ZCU requirement. Home occupations, as defined in section 201 of the LDC, shall not be required to obtain a ZCU. Multi-family residential, group homes, and special residential care facilities are also subject to the ZCU requirement.

New commercial establishments proposing to construct interior renovations must file for zoning approval of the use prior to or concurrently with the submittal of the building permit. The ZCU shall be issued along with a Temporary Certificate of Occupancy (TCO)/Certificate of Occupancy (CO) with no additional fee.

**Section 8:** That section 321.1.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

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*321.1.4. Term of Zoning Certificate of Use ~~and Transfer~~.*

(a) Once issued, a ZCU shall remain valid until there is a change of the use, business, business ownership, business name, or business location from that specified on the approved ZCU, or in the case of a non-conforming use, an abandonment or change of the use, business, business ownership, business name, or business location from that specified on the approved ZCU.

(b) When there is a change of the use, business, business ownership, business name, or business location from that specified on the approved ZCU, a new ZCU application shall be required. In the case of a non-conforming use of property, when there is an abandonment of the non-conforming use or a change in the use, business, ownership, business name, or business location from that specified on the approved ZCU, a new ZCU application shall be required.

**Section 9:** That section 321.1.9 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

321.1.9. Inspections. Any person applying for or obtaining a ZCU shall be subject to an inspection of the place of business to ensure compliance with all zoning regulations, life safety code requirements, and all applicable local and state regulations. For the purpose of enforcing the provisions, inspectors designated by the director, the building official, or the code compliance manager, shall have the right of inspection, provided that said inspection shall be reasonable and scheduled at the reasonable convenience of the applicant or certificate holder and the inspector. Failure ~~to permit to obtain proper~~ inspection of the premises shall be grounds for denial of a ZCU application or revocation of an existing ZCU.

**Section 10:** That section 321.2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*321.2. Application Procedures.*

(a) Procedures for Issuance. No zoning certificate of use shall be issued or granted to any person to engage in any business, profession, or occupation unless:

- (1) An application is filed; a ZCU application form, along with the

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established and required fee, documents, and plans, shall be submitted to the city by the applicant to the department; and

(2) The department has reviewed and approved the zoning use classification; and

(3) There has been a site inspection of the applicant's business premises; and

(4) The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

(b) Legality of use. In the event there is a question as to the legality of a use, the director, as appropriate, may require affidavits and such other information s/he may deem appropriate or necessary to establish the legality of the use, before a ZCU shall be issued.

(c) Obtaining a certificate of occupancy prior to issuance of a zoning certificate of use. All businesses are required to obtain a TCO/CO pursuant to the City Code must do so, prior to the issuance of a ZCU.

**Section 10:** That section 322.1 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*322.1. Permit required.* All temporary uses and/or structures which are not otherwise treated by this Code as a permitted use or conditional use in a particular zoning district and which are not otherwise prohibited under the terms of this Code shall be conducted or erected after obtaining a temporary use permit (TUP). This section shall not override, and shall not substitute for, any other section of this Code which requires another type of permit, certificate, or approval. Temporary structures and uses shall conform to the fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this LDC and the FBC Building Section 3103, as found by the building official to be necessary to ensure public health, safety and general welfare.

**Section 11:** That section 322.2.2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*322.2.2. DRC Approval.* The establishment of the following uses indicated in Table 8 shall require a TUP issued by the department, after approval by the DRC which may attach conditions; including, but not limited to the duration of the TUP on any of the TUPs approved.

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**Section 12:** That section 322.2.3 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

**322.2.3. Commission Approval.** Applications for the following types of TUPs as indicated in Table 8 shall be transmitted to the city manager, who shall schedule the application for review by the city commission. The city commission may approve the application by resolution and may impose reasonable conditions as necessary to ensure public safety and welfare, including, but not limited to duration of the TUP on any of the TUPs approved.

TEMPORARY USE PERMITS	Events with less than 1,000 in expected attendance		Events with more than 1,000 in expected attendance
	ADMINISTRATIVE APPROVAL	DRC APPROVAL	COMMISSION APPROVAL
Car Show and Sales		✓	✓
Carnival, Fairs and Circuses <sup>6</sup>	✓		✓
Charitable Donation Bins	✓		
Community Garage Sales and Flea Markets	✓		✓
Construction Office and Storage Trailers	✓		
Fireworks displays and shows			✓
Festival, Concert and Musical Events <sup>5</sup>	✓		✓
Food Trucks <sup>3</sup>	✓		
Fundraiser and Awareness Events	✓		✓
Farmer Markets	✓		✓
Mobile Produce Food Vendor <sup>1</sup>	✓		
Sales Office Trailer and Model Home Complex <sup>4</sup>		✓	
Seasonal Sales (e.g. Fireworks, Christmas trees) <sup>1</sup>	✓		
Sidewalk or Parking Lot Sale <sup>4,2</sup>	✓		✓
Other temporary uses or structures <sup>7</sup>	✓	✓	✓

<sup>1</sup> Seasonal sales lots offering products such as Christmas trees, or pumpkins, or flowers; provided, however, no temporary permit shall be issued for sales within public rights-of-way, and fireworks sales shall be subject to fire-rescue department approval.

<sup>2</sup> Sidewalk or parking lot sales by businesses having a city-issued BTR, with all such activities located within the property of those businesses and not in the right-of-way.

<sup>3</sup> "Food Trucks", mobile catering sales by properly licensed and inspected businesses as part of an event in conjunction with a business having a city-issued BTR on the same property.

<sup>4</sup> Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with final site plan approval. The model homes shall be located on and limited to the property which is being marketed for sales. Temporary sales offices may also be located on contiguous parcels upon approval as noted herein. Prior to issuance of a TUP for offices and model homes, a plat for the project must be approved by Broward County

<sup>5</sup> Outdoor events, sales, and services held on non-city owned properties, which are anticipated to have at least fifty (50) and less than 1,000 attendees at any given time, other than private social events held completely within a residentially zoned property. Outdoor events held on non-city owned properties, which are anticipated to have at least 1,000 attendees at any given time, shall be permitted in accordance with section 322.2.3.

<sup>6</sup> Carnivals, fairs, circuses, and other outdoor events held on non-city owned properties which anticipate having over 1,000 attendees at any given time (subject to DRC review, prior to commission approval)

<sup>7</sup> Other temporary uses or structures which in the opinion of the city manager may require commission review

**Section 13:** That section 402.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

**402.4. Multi-family Residential Districts (RM1, RM2, RM3, RM4)**

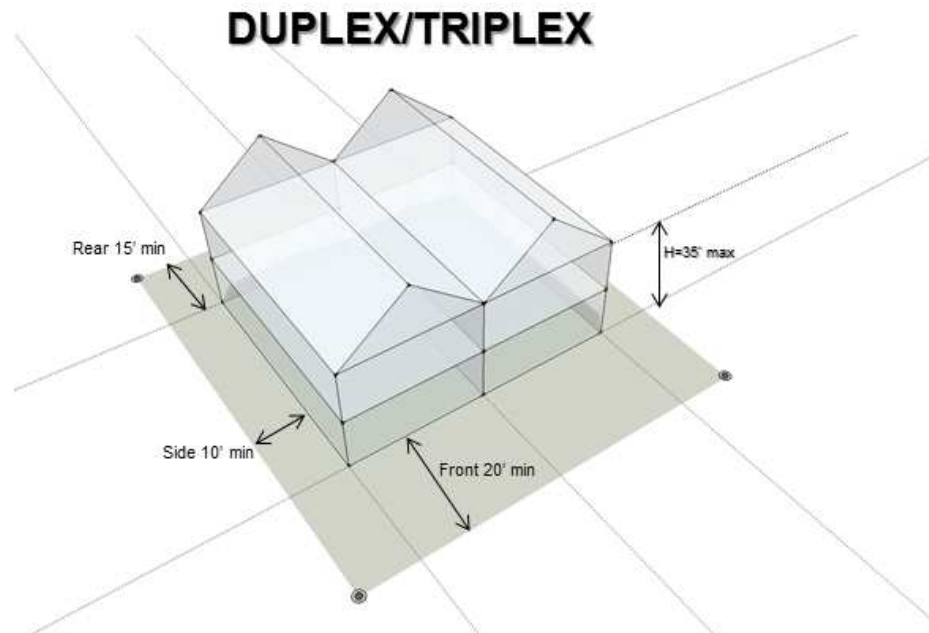
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### *Purpose of Districts*

The RM10, RM16, and RM25 districts in existence prior to 2017 have been renamed to RM1, RM2 and RM3, respectively. The RM district in the TOC in existence prior to 2017 has been renamed to RM4.

The RM1, RM2, RM3, and RM4 zoning districts are established for low, medium, medium-high and high density multi-family residential units and single-family detached structures.

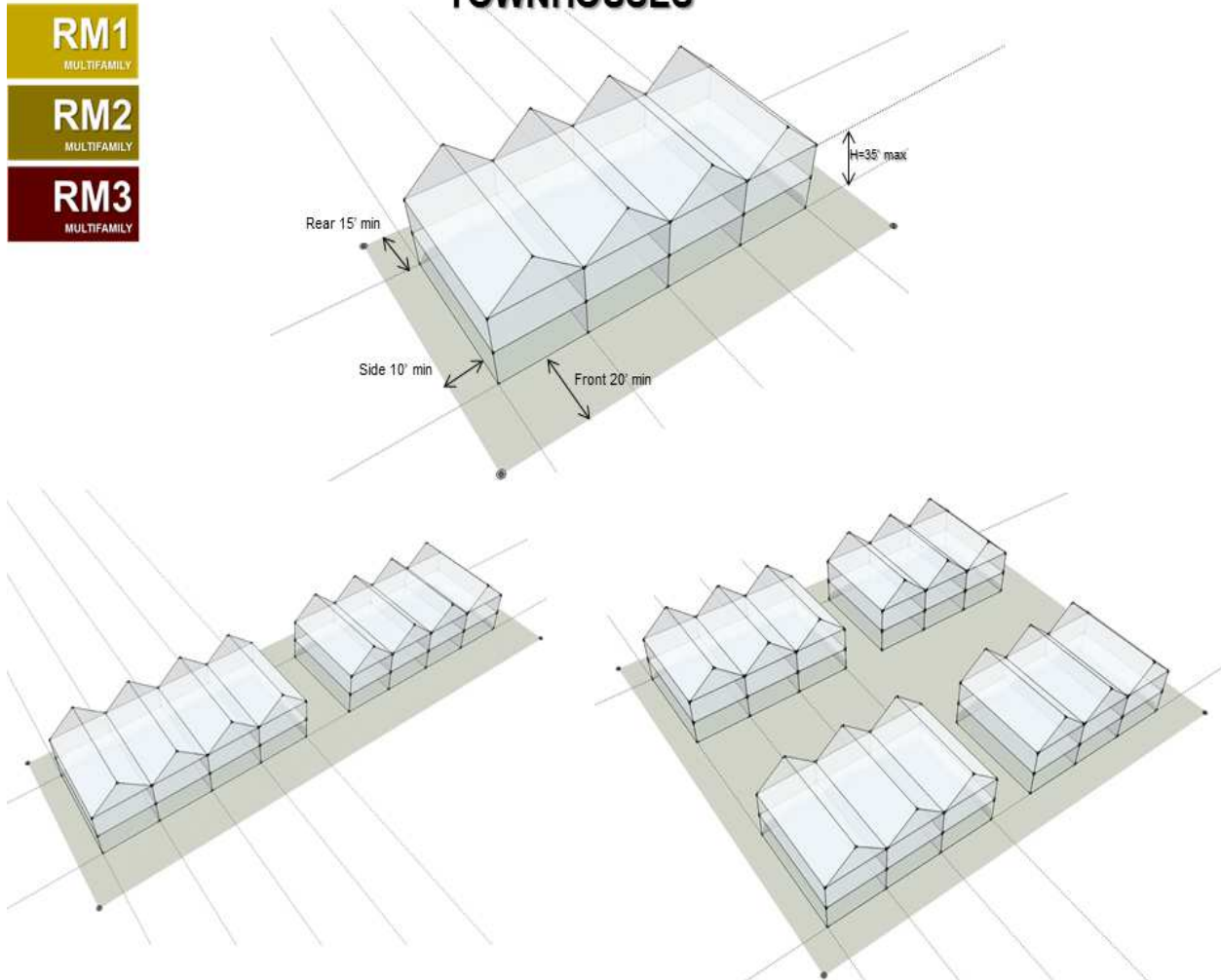
**[DRAFTER's NOTE: The following depicts the drawings as revised.]**



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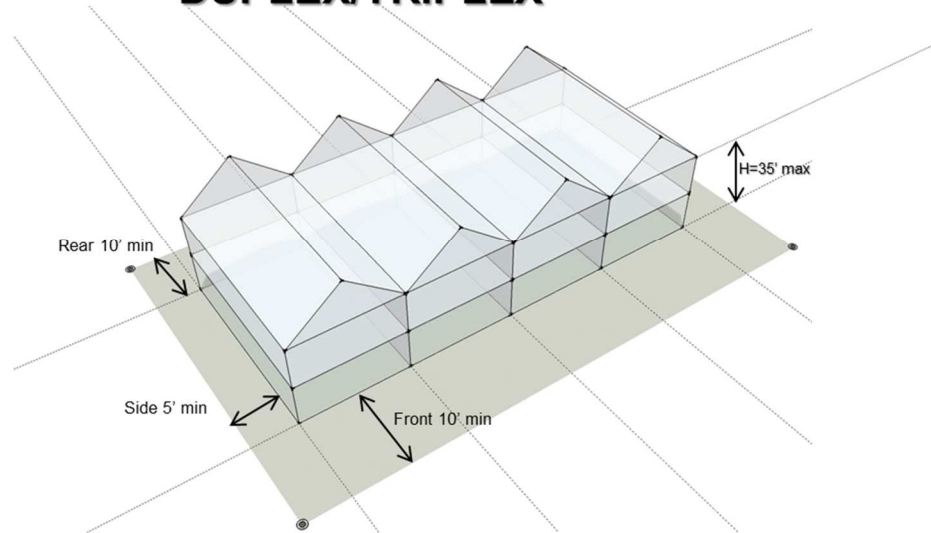


## TOWNHOUSES

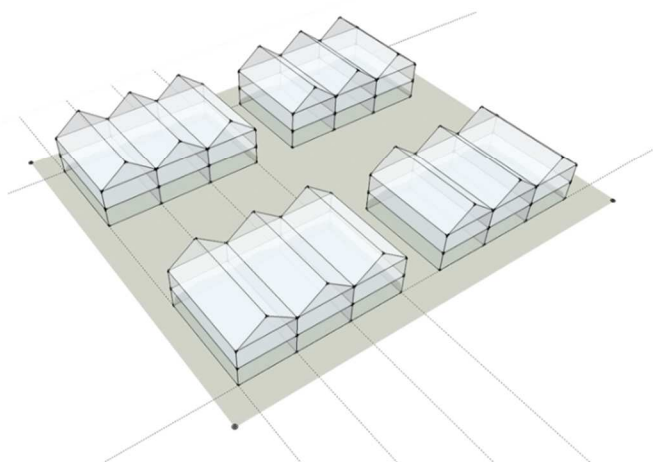
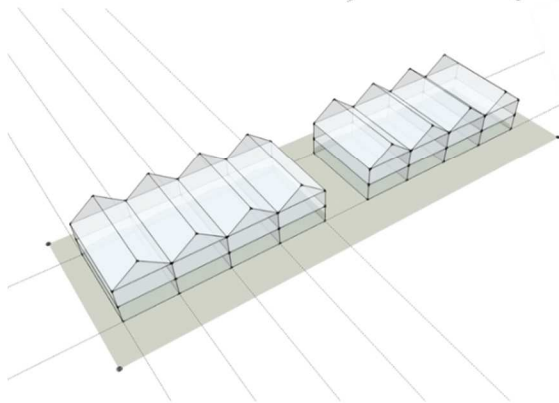
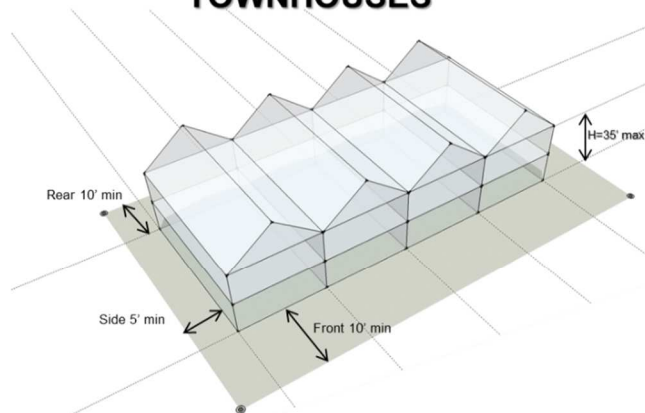




## DUPLEX/TRIPLEX

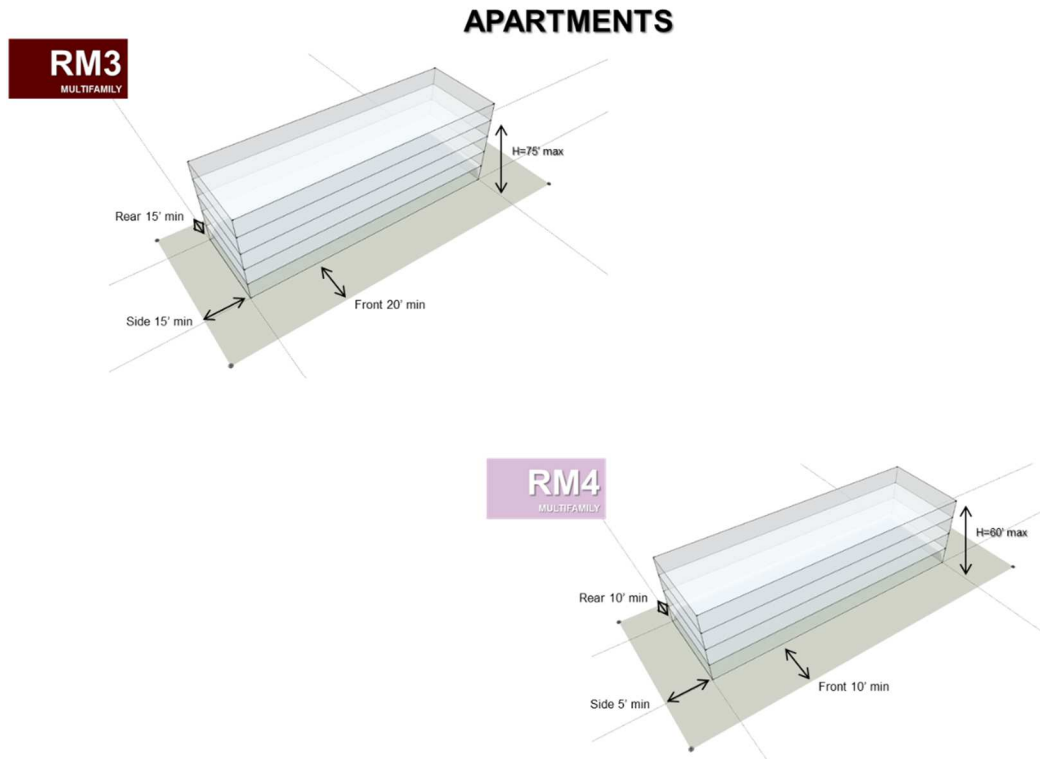


## TOWNHOUSES





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*Note: These graphics are included for illustrative purposes. The requirements are shown in the tables.*

**Section 14:** That section 402.7 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

**402.7. Tables.**

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TABLE 402-3

BULK REGULATIONS MULTI-FAMILY RESIDENTIAL DISTRICTS

			MIN LOT SIZE	MIN LOT WIDTH <sup>1</sup>	STORIES	MAX HEIGHT (feet)	PLOT COVERAGE	SETBACK (feet)				
			sq. ft.	feet				Front	Side	Rear	Corner	Water Front
RM1	RESIDENTIAL 1	Single family	3,600	45	2	35	50%	15	5	15	15	30
		Duplex/Triplex	4,000	35	3	35	40%	20	10	15	15	30
		Townhouses	16,000	160	3	35	40%	20	10	15	15	30
		Apartments	N/A	N/A	3	45	40%	20	15	15	15	30
		Non-residential	N/A	N/A	3	35	40%	30	25	30	15	30
RM2	RESIDENTIAL 2	Single family	3,600	45	2	35	50%	15	5	15	15	30
		Duplex/Triplex	4,000	35	3	35	40%	20	10	15	15	30
		Townhouses	16,000	160	3	35	40%	20	10	15	15	30
		Apartments	N/A	N/A	4	60	40%	20	15	15	15	30
		Non-residential	N/A	N/A	3	35	40%	30	25	30	15	30
RM3	RESIDENTIAL 3	Single family	3,600	45	2	35	50%	15	5	15	15	30
		Duplex/Triplex	4,000	35	3	35	40%	20	10	15	15	30
		Townhouses	16,000	160	3	35	40%	20	10	15	15	30
		Apartments	N/A	N/A	5	75	40%	20	15	15	15	30
		Non-residential	N/A	N/A	3	35	40%	30	25	30	15	30
RM4	RESIDENTIAL 4	Single family	3,600	45	2	35	50%	<del>20</del> 15 <sup>2</sup>	5	45 10	45 10	30
		Duplex/Triplex	4,000	35	3	35	40%	20 10	40 5	45 10	45 10	30
		Townhouses	16,000	160	3	35	40%	45 10	40 5	45 10	45 10	30
		Apartments	N/A	N/A	4	60	40%	45 10	45 5	45 10	45 10	30
		Non-residential	N/A	N/A	3	35	40%	30 10	25 5	45 10	45 10	30

<sup>1</sup> For each dwelling unit

<sup>2</sup> To the garage; 15 feet to a structure; 10 feet to a front porch

\* Note: All legal, non-conforming structures may maintain existing setbacks; this includes proposed additions to the unit.

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**Section 15:** That the medical uses and miscellaneous use of table 403-1 as set forth in section 402.7 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

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#### 402.7. Civic and Recreationasl Districts Tables.

**Table 403-1**

**Table 403-1 – Civic and Recreational Principal Uses Table**

\* \* \*

TABLE 403-1 - CIVIC AND RECREATIONAL PRINCIPAL USES TABLE						
<b>LEGEND</b>	P - Permitted by Right					
	C - Conditional Use Permit Required					
	* - Subject to Specific Use Standards; <i>Refer to LDC Section 405</i>					
	" - " Prohibited					
SPECIFIC USE STANDARDS	PRINCIPAL USES	CNS	OS	CR	CF	U
<b>Code Sec.</b>	<b>Medical &amp; Healthcare Uses</b>					
405.5	Assisted Living Facilities	-	-	-	C*	-
405.5.2	Adult day care	-	-	-	P*	-
405.5.4	Group homes	-	-	-	P*	-
405.5.3	Detoxification/Rehabilitation Centers	-	-	-	C*	-
<u>N/A</u>	<u>Hospitals</u>	-	-	-	<u>C</u>	-
N/A	Plasma/Blood donation center	-	-	-	P	-
405.15	Medical & Dental offices	-	-	-	P*	-
405.15	Medical and Dental lab	-	-	-	P*	-
405.5.1	Nursing Home	-	-	-	P*	-
N/A	Urgent Care Center	-	-	-	P	-
<b>Code Sec.</b>	<b>Miscellaneous Uses</b>					
405.7	Childcare Center	-	-	-	P*	-
405.11.1	Hotels and Motels	-	C*	<u>C*</u>	-	-
N/A	Cemeteries, Crematoriums and Mausoleums	-	-	-	P	-
N/A	Funeral Homes and Mortuaries	-	-	-	P	-
N/A	State and Federal Native American Reservations	P	-	-	-	-
405.3	Wetland Mitigation	-	P*	-	-	-

**Section 16:** That the lot dimension and lot width portion of table 404-2, mixed-use districts bulk regulations as set forth in section 404.5 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

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#### 404.5. Tables.

\*                      \*                      \*

TABLE 404-2 – MIXED-USE DISTRICTS BULK REGULATIONS

STANDARDS	TND	ML	MH	SD
Lot Dimension				
Lot Width (min ft)	100	50	70 50	50

\*                      \*                      \*

**Section 17:** That section 405.3.2.2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

#### ***405.3.2.2 Operating Standards for Urban Gardens:***

***Urban Garden definition.*** An establishment where edible or ornamental crops are grown as an accessory use on the ground, or a rooftop or inside a building, to be sold or donated.

**Urban Gardens** are permitted on property zoned commercial and residential as an accessory use, and shall be subject to the following operational standards:

- a. Parking requirements shall comply with Section 808.
- b. The irrigation source must be from a non-potable water supply.
- c. Compost materials shall be stored at least ten (10) feet from adjacent property and in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation with insects, and minimizes runoff into waterways and onto adjacent properties.
- d. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is ~~general~~ prohibited.
- e. Accessory retail sales of edible or ornamental crops grown on-site or products that are made from produce grown on-site ~~may occur with a city-issued business tax receipt.~~
- f. Shipment and delivery of products or supplies shall be limited to between dawn 7:00 a.m. and dusk 7:00 p.m. and shall occur only in single axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

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- g. Overhead lighting shall be prohibited.
- h. No emission shall be permitted that cause damage to health, animals, vegetation, or other forms of property or that can cause an excessive air pollution.
- i. Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of section Section 805.
- j. No waste shall be discarded into the streets, drainage ways, or on property that may potentially create possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system that might endanger the normal operation of the public sewage system.
- k. The sound level of any individual operation shall not exceed the levels permitted in the city's City's excessive noise code provisions, sections 10-111 through 10-117 and section 13-4 of this city code of ordinances ordinance.
- l. No vibration shall be permitted that is discernible beyond the property lines of the urban garden to the human sense or feeling felling for a duration of 180 seconds three minutes or more in any sixty (60) consecutive minute period one hour of the day between the hours of 7:00 am and 7:00 pm or for a duration of 30 consecutive seconds second or more in any sixty (60) consecutive minute period one hour between the hours of 7:00 pm and 7:00 am.
- m. The use of heavy machinery (e.g., e.g. tractors, plows, and similar types of agricultural similar devices etc.) is permitted in rural residential and non-residential districts only, but is restricted to use between 7:00 am and 7:00 pm, and must be in compliance with the other nuisance mitigation requirements, as applicable.
- n. Any equipment or supplies needed for operations shall be fully stored out of sight from the street and any adjacent residential uses.
- o. The keeping Keeping of animals is prohibited.
- p. Accessory retail sales of edible or ornamental crops grown on-site or products that are made from produce grown on-site in rural residential and non-residential districts only, may occur in accordance with a city issued business tax receipt.
- q. During an on-site sales event, a temporary booth or display may be located within the front yard setback of the property, in rural residential and non-residential districts only, between the hours of 7:00 am and 7:00 pm provided that site visibility is maintained.

**Section 18:** That section 405.6.1of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

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#### *405.6.1 Automobile Repair, Automobile Paint, and Tire stores*

Motor vehicle repair and service garages, vehicle paint shops and tire stores are permitted as a conditional use in B3 and PID zones, subject to ~~with~~ the following standards:

- (a) All service, including major repairs, and accessory services such as alignments, balancing, batteries, brakes, and suspension system repair, window tinting, as well as preventative maintenance such as oil and fluid changes, hose and wiper repair and similar types of services, must be performed entirely within an enclosed building; and
- (b) Outdoor display and storage of merchandise and equipment, including new or used tires, is prohibited; and
- (c) Tow trucks may not be parked on the premises; and
- (d) Outdoor overnight parking of vehicles is prohibited; and
- (e) Where the use is located within 500 feet of residentially-zoned property (measured by straight air-line measurement from property line to property line), the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.; and
- (f) A minimum six-foot (6') high decorative masonry wall must be intilled, separating the property from any abutting residentially-zoned property, with a minimum ten-foot (10') wide landscape buffer planted outside the wall consisting of at least three (3) tiers of plant material (ground cover, continuous hedge and fourteen-foot (14') shade trees planted on-center).
- (g) Where automotive repair business is allowed, such use may also be conducted under a roof located to the rear or side of the principal building and within the principal building setbacks; provided, that the area is screened and buffered by a wall, fence or hedge at least six (6) feet in height. This screen and buffer requirement shall not apply to buildings/structures enclosed on three (3) sides.

Additionally, auto repair business uses with their primary frontage on State Road 7 and located in the Transit Oriented Corridor land use designation, may conduct such use under an existing, permanent canopy or roof structure located in front of the building; provided, that: (i) no equipment, parts or vehicles are kept under said canopy or roof structure after business hours; (ii) the area is kept clean and visually uncluttered; and (iii) all signs comply with the current sign code provisions then in effect.

**Section 19:** That table 802-1 in section 802.4.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*802.4.4. Widths of rights-of-way.* Streets shall have the minimum widths as specified in Table 802-1. When not indicated functionally classified by the FDOT, the classification of streets shall be determined by the community development director. The actual width of a right-of-way shall be determined based on the ultimate cross section design needed to accommodate the projected level of traffic at the adopted level

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of service. Additional right-of-way may be required for a bicycle lane, in compliance with a city or county bicycle circulation plan.

TABLE 802-1  
Widths of Public and Private Rights-of-Way

Street Type	Minimum Rights-of-Way	Ultimate Traffic Lanes	Sidewalk Width <sup>1</sup> Both Sides of Street
Arterial Street	106 ft	6	6 feet
4 Lane Collector	80 ft.	4	5 feet
2 Lane Collector	60 ft.	2	5 feet
Local Street (Single-Family)	50 ft.	2	4 feet
<del>Limited Access Tracks<sup>2</sup></del> <del>Town House developments<sup>2</sup></del>	44 ft.	2	4 feet

<sup>1</sup> A pedestrian/bicycle path which is a minimum of six (6) feet wide and constructed within the right-of-way, or an easement adjacent to the right-of-way, may be used in lieu of the required sidewalk on that side of the right-of-way within private residential developments. The back of sidewalk shall coincide with the right-of-way line for public or private roadways.

<sup>2</sup> ~~Applicable only to site developments greater than five (5) acres. This standard be applied to private streets or limited access tracks within townhouse development parcels. The configuration for a limited access track is as follows:~~

~~Minimum rights-of-way (see above)~~  
~~Ultimate traffic lanes (see above)~~  
~~Valley gutter with stormwater inlets~~  
~~Utility easement including valley gutter~~  
~~Sidewalk width (see above)~~

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~~Other engineer design details of this street type shall be as established by the. The development parcel shall be required to comply with all other provisions of this Code.~~

**Section 20:** That section 803.3.2 of the Land Development Code of the City of

Miramar, Florida, is hereby amended to read as follows:

803.3.2. Residential development. All residential development shall adhere to the following standards:

(a) Minimum roof standards: Pitched roofs shall have a minimum pitch of ~~4:12~~ 2:12. ~~Deviation from the minimum may be approved for gambrel and similar type roofs.~~ Pitched roofs shall be constructed of durable materials consistent with Florida Building Code requirements and compatible with the architectural design of the building(s) ~~flat, or barrel cement or clay tile, split cedar shakes or slate, all as defined by common usage in Broward County, Florida.~~ Cedar shingle and asphalt shingle roofs are not permitted on any principal residential structure permitted after the effective date of this Code, except for single-family and duplex dwellings located within plats recorded prior to March 1996, or within the unrecorded subdivision of Tropical Valley. Flat roofs may be permitted if the flat roof area does not comprise over 25 percent of the total roof area. Such flat roofs may be permitted over porches, Florida rooms, and utility rooms located to the rear of the dwelling unit. Homeowners are hereby advised that new roofs on buildings that are located within a homeowner or condominium association may be subject to that association's approval for a different roof material.

(b) Driveways within all RS zoning districts shall be constructed of Portland ~~portland~~ concrete at a minimum. Asphalt is not permitted.

(c) No two houses having the same elevation in any residential single (RS) family zoning district shall be built side by side or directly across the street. In no instance, shall two houses of identical color package be side by side or directly across the street.

(d) Architecture and site development should incorporate consideration of the subtropical characteristics of the area. The provision of sun-control devices, shaded areas, vegetation, roof terraces, and similar features characteristic of subtropical design is encouraged.

(e) Open space for multi-family dwelling units should be located and designed to maximize its utility to the dwelling units.

(f) All multi-family buildings which abut or are separated by a street or water body from an existing or proposed single-family district shall have hip or gable roofs.

(g) All dumpsters and trash handling areas in development within RM zoning

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districts shall have a concrete slab, be enclosed by a finished concrete block wall similar in color and detail to the principal structure as provided in this Code, and be landscaped in accordance with section 901.8 of this Code. Dumpsters shall be oriented in a logical fashion so as to minimize truck maneuvers.

**Section 21:** That section 809.12 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*809.12. Swimming pools and spas.* Swimming pools and spas shall be permitted in all residential zoning districts, subject to the following:

- (a) No swimming pools or spas shall be permitted within the required front yard area, or within utility, drainage or access easements. Swimming pools shall be required to have a safety barrier as provided for in the Miramar City Code.
- (b) Above-ground pools and spas which exceed ~~48~~ 24 inches in height must meet all structural setback requirements.
- (c) The following setback requirements shall apply to swimming pools and spas:
  - (1) The side yard setbacks to the water's edge shall be two feet plus the required sideyard structure setback.
  - (2) The rear yard setback shall be seven feet from the water's edge to rear lot line.
- (d) Any pool for a nonresidential development shall meet the structural setbacks for the district in which it is located and all required governmental agency standards.

**Section 22:** That section 809.12 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*809.12.1. Safety barrier required, specifications.*

- (a) Specifications. No swimming pool final inspection and approval shall be given by the community development department unless there has been erected a safety barrier. The safety barrier shall take the form of a screened-in patio, a wooden 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.~~ The minimum height of the safety barrier shall be not less than four (4) feet. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times. Gates shall also be equipped with a self-latching lock and shall be locked when the swimming pool is not in use. Other safety requirements may apply based on the current Florida Building Code.
- (b) *Permits required.* 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 these regulations. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier; if the premises are already enclosed, as herein before provided, a permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier is proven to be satisfactory.

(c) *Construction specifications of walls and 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. Walls, whether of the rock or block type, shall be so erected to make them nonclimbable.

(d) *Authority to disapprove barriers.* It shall be within the discretion of the building inspector to refuse approval of any barrier which, ~~in his opinion~~, does not furnish the safety requirements of this regulation, i.e., that it is high enough and so constructed to keep the children of pre-school age from getting over or through it.

(e) *Maintenance of safety barrier; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing the swimming pool to maintain and keep in proper and safe condition at all times the safety barrier required and erected in accordance with this article

(f) *Maintenance of pool; duty of owner, occupant.* It shall be the responsibility of the owner and/or occupant of the premises containing a swimming pool to keep such pool from becoming a health hazard to the community by becoming a breeding ground for mosquitoes, or by any other means. In the event any person owning or occupying the premises containing a swimming pool permits the safety barrier to become in an improper and unsafe condition, or permits the swimming pool to become a health hazard to the community, the city may direct a letter by certified mail to the owner or occupant of such premises, advising such owner or occupant that the city will have such safety barrier put in a proper and safe condition or correct the health hazard of the swimming pool within a period of ten days from receipt of such letter. The city shall be authorized to place a lien on the property not in compliance with this section in order to recover the costs associated with enforcement of this section.

(g) *Temporary fence to enclose swimming pools while under construction.* No person shall construct or cause to be constructed any swimming pools unless such swimming pool is completely enclosed by a fence with a minimum height of not less than four (4) feet. Such fence may be of a temporary nature but in lieu of a permanent fence, a temporary fence must be erected either around the swimming pool or around the premises on which the swimming pool is under construction; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. However, the swimming pool need not be completely enclosed during those periods when an adult person is present on the site and actual construction is in process. This section shall only affect those pools under construction within 140 feet of any residence upon which a certificate of occupancy has been issued. The 140 feet shall be measured from the edge of the swimming pool to the closest property line containing such residence by straight line measure.

**Section 23:**     **Intent; Inclusion in the Code of Ordinances.**

(a)     That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar, and that the word “ordinance” may be changed to “section,” article,” or such other appropriate word or phrase in order to accomplish such intention.

(b)     That Sections 1. and 24. through 27. shall not be codified but shall be an effective part of this enactment.

(c)     Drafter’s Notes and the **bolding** of certain portions of this Ordinance shall not be codified.

**Section 24:**   **Severability.** That should this Ordinance or any part thereof be declared invalid by a court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

**Section 25:**   **Interpretation.** In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1)     Words underlined are additions to existing text;
- (2)     Words ~~stricken through~~ are deletions from existing text;
- (3)     Asterisks ( \* \* \* ) indicate a deletion from the Ordinance of text existing in the code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in the Ordinance shall remain unchanged

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from the language existing prior to the adoption of this Ordinance; and

(4) Some code amendments are highlighted text to more clearly denote the code revision.

(5) Language highlighted is additional language added on second reading.

**Section 26: City Officials Authorized to take Action.** That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

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**Section 27: Effective Date.** That this Ordinance shall take effect immediately upon adoption on second reading.

**PASSED FIRST READING:** February 21, 2018

**PASSED AND ADOPTED ON SECOND READING:** March 7, 2018

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Winston F. Barnes

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P.L.

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Vice Mayor Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Commissioner Darline B. Riggs	Yes
Mayor Wayne M. Messam	Yes