

18.
PUBLIC HEARING
January 27, 2016
CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM

Meeting Date: November 23, 2015

Second Reading Date: January 27, 2016

Presenter's Name and Title: Michael Alpert, Principal Planner, on behalf of Community and Economic Development Department.

Temp Ord Number: 1630

Item Description: (Second Reading) Temp. Ord. No. 1630, AMENDING THE LAND DEVELOPMENT CODE; MAKING FINDINGS; AMENDING CHAPTER 5, "DEVELOPMENT REVIEW PROCEDURES"; REVISING SECTION 505 RELATING TO "TEMPORARY USES AND STRUCTURES"; AMENDING SECTION 508.14 RELATING TO CERTIFICATES OF LEVEL OF SERVICE COMPLIANCE FOR PARKS AND RECREATIONAL AREAS; AMENDING CHAPTER 7 "USE REGULATIONS"; REVISING SECTION 705 RELATING TO "COMMERCIAL ZONING DISTRICTS" REQUIREMENTS AND SECTION 706 "INDUSTRIAL ZONING DISTRICTS" REQUIREMENTS; REVISING GRAMMAR AND INSERTING CATCHLINES; REVISING USES, STANDARDS, AND REQUIREMENTS; REVISING SECTION 713 RELATING TO "SPECIFIC USE REGULATIONS"; REPEALING SECTION 713.6 RELATING TO CHILD CARE CENTERS AND SECTION 713.14 RELATING TO RESTAURANTS; REVISING SECTION 713.19 RELATING TO FUEL SERVICE STATIONS WITH MINI-MARKETS/CONVENIENCE STORES; PROVIDING ACCESSORY USE STANDARDS; AMENDING SECTION 713.21 PLACES OF ASSEMBLY AND 713.22 PAIN MANAGEMENT CLINICS, REVISING GRAMMAR; AMENDING SECTION 715 RELATING TO TRANSIT ORIENTED CORRIDOR DISTRICTS; AMENDING DEVELOPMENT INCENTIVES; AMENDING SECTION 715.3.3 RELATING TO LANDSCAPE STANDARDS; PROVIDING NEW STANDARDS FOR TREE PLANTERS, PLANTING STRIPS, MEDIAN TREES, AND STREET TREES; REVISING SECTION 713.3.7 RELATING TO DEVELOPMENT STANDARDS IN SPECIAL DISTRICT 3 (COMMUNITY FACILITIES); REVISING GRAPHICS AND TABLES DISPLAYED IN SECTION 715.4.0 IN THE TRANSIT ORIENTED CORRIDOR DISTRICT; AMENDING SECTION 809.9 RELATING TO GAZEBOS AND PERGOLAS; AMENDING SECTION 809.13 RELATING TO UTILITY SHEDS; REVISING SECTION 809.17 REGULATIONS AND INCLUDING REGULATION OF PATIOS ON FEE-SIMPLE MULTI-FAMILY LOTS; AMENDING SECTION 809.18 TO INCLUDE REGULATION OF WALKWAYS ON MULTI-FAMILY LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INTENT; INCLUSION IN THE CODE; PROVIDING FOR INTERPRETATION.(Principal Planner Michael Alpert)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☒

Summary Explanation and Background: The City is in the process of updating the entire Land Development Code ("LDC"), beginning with the new Chapter 1; however, there are certain regulations that staff is recommending to move forward at this time, to assist in the City's redevelopment and economic development initiatives. This Ordinance proposes to amend portions of Chapter 5 Development Review Procedures, Chapter 7 Use Regulations, and Chapter 8 Development Standards of General Applicability in order to clarify and streamline certain regulations and uses permitted within the Transit Oriented Corridor District ("TOCD") (LDC Section 715); B-1, B-2 and B-3 (Neighborhood, Community, and Heavy Business) commercial districts (LDC Section 705); and the Planned Industrial District ("PID") (LDC Section 706), as well as certain Specific Use Regulations of Section 713, Temporary Uses in Section 505, and Accessory Uses in Section 809.

Instructions for the Office of the City Clerk: None.

Public Notice – As Required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on 11/12/15, in a legal display ad in the Sun-Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____. (Fill in all that apply)

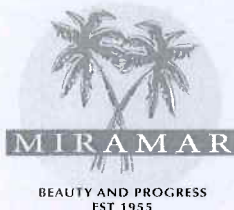
Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____ Florida Statutes, approval of this item requires a _____ (unanimous 4/5ths etc. vote of the City Commission).

Fiscal Impact: Yes ☐ No ☒

REMARKS:

Content:

- Agenda Item Memo from the City Manager to City Commission
- Ordinance TO 1630
- Attachment(s)
 - Attachment 1: Hotel Code Requirements
 - Attachment 2: Recent Hotel Construction



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Kathleen Woods-Richardson, City Manager *Kathleen Woods Richardson*

BY: Eric Silva, Community & Economic Development Director

DATE: December 23, 2015

RE: SECOND READING of Temp. Ord. No. 1630, amending the Land Development Code to clarify and streamline use regulations in the Transit Oriented Corridor District; B-1, B-2 and B-3, Neighborhood, Community and Heavy Business commercial districts; and the Planned Industrial District ("PID"), and certain Specific, Temporary and Accessory Uses.

RECOMMENDATION: The City Manager finds that this amendment satisfies the criteria of Land Development Code ("LDC") Section 507.8 for amending the Code, and therefore recommends approval of Temp. Ord. No. 1630. Staff finds that this amendment satisfies the criteria of Land Development Code ("LDC") Section 507.8 for amending the Code and therefore recommends approval. The Director of Community and Economic Development finds this ordinance to be consistent with the Comprehensive Plan because it is in keeping with the primary goal of the Future Land Use Element to "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." The Planning and Zoning Board ("Board") recommended approval of this ordinance on November 17, 2015, with a finding that the ordinance is consistent with the Comprehensive Plan.

At the First Reading of this ordinance on November 23, 2015, the City Commission requested that the proposed hotel regulations be further amended to provide incentives that would encourage potential hotel developers to propose conference hotels without requiring them to do so, as the code currently mandates. In 2007, the City Commission adopted Ordinance 07-15 that required hotels to provide certain amenities, such as providing conference/meeting space that would seat at least 350 people at tables, a minimum of 250 sleeping rooms, a full-service restaurant offering breakfast, lunch and dinner, as well as other

requirements. The five existing hotels in Miramar, however, do not meet these requirements. Since that time, there has been considerable interest in developing several sites from the hotel development community, but only for limited-service hotels that would not meet these requirements, and all of these proposals would have needed variances from the current code requirements to be approved. Several local industry representatives and real estate brokers have indicated that the market does not warrant construction of a conference hotel. Staff conducted a study of the development codes of other municipalities within Broward, Miami-Dade and Palm Beach Counties and has found that, with the exception of the City of Sunrise, other cities are not as stringent with respect to the hotel regulations (see Attachment 1). Also, research was conducted on the types of hotels constructed county-wide since 2010, which found that only one hotel was constructed with significant conference room capacity, while a few others had a limited amount of meeting space. Most of the hotels were limited-service hotels, designed largely for business travelers, and most of them were built within the eastern portion of Broward County (see Attachment 2).

Staff has proposed amendments for consideration at Second Reading that would encourage hotel developers to consider building conference hotels. Development incentives with respect to reduced setbacks, perimeter landscape bufferyards, and building foundation plantings (i.e., pedestrian landscape zones) and an additional floor of height in the event that it is needed, would all allow for more buildable area on the site, thereby encouraging hotel developments with more capacity of meeting space, food service and guest rooms. The amended language can be found in Section 705.3.1 (t) 7 (D) of the attached ordinance.

ISSUE: This ordinance proposes to amend Sections 505, 508, 705, 706, 713, 715 and 809 of the City's LDC to clarify and streamline certain use regulations among the uses permitted in the Transit Oriented Corridor District ("TOCD"); B-1, B-2 and B-3 Neighborhood, Community, and Heavy Business (commercial) districts; and the PID, as well as other Specific Use Regulations and certain Temporary and Accessory Uses.

BACKGROUND: Staff is currently working on an update of the entire Land Development Code; however, due to a marked increase in development activity and heightened interest for development and redevelopment opportunities throughout the City, particularly within the City's main redevelopment area, the Transit Oriented Corridor District ("TOCD"), Staff has determined that certain regulations would be more appropriate for earlier adoption in order to further streamline the process for targeted industries and initiatives and in assisting homeowners and small businesses.

This Ordinance specifically addresses and clarifies certain regulatory parameters and discrepancies and streamlines certain procedures for potential TOCD redevelopment, as well as for certain types of businesses permitted within the commercial and industrial districts. Further amendments to these sections shall be made in the near future as part of proposed Chapters 3, 4 and 5 (Processes, Functions and Standards, respectively) in a more comprehensive review and update of these chapters.

The Commission shall consider whether this ordinance is consistent with the Comprehensive Plan, particularly with the primary goal of the Future Land Use Element stated above, as well as Objective 2 and several related Policies:

Objective 2: "By 2012, complete the full revision of the Land Development Code which will ensure the protection of natural resources, discourage urban sprawl, promote "Smart Growth" and energy efficient development and land use patterns which account for existing and future electrical power generation and transmission systems in an effort to reduce greenhouse gases, encourage the use of innovative land development techniques, promote community aesthetics, ensure the availability of the infrastructure needed to support development, and comply with the Broward County Land Use Plan."

Policy 2.9: "Development within the City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources."

Policy 2.10: "The City will encourage and implement to the maximum extent feasible for those (re)development projects within the City that use compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials."

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; MAKING FINDINGS; AMENDING CHAPTER 5, "DEVELOPMENT REVIEW PROCEDURES"; REVISING SECTION 505 RELATING TO "TEMPORARY USES AND STRUCTURES"; AMENDING SECTION 508.14 RELATING TO CERTIFICATES OF LEVEL OF SERVICE COMPLIANCE FOR PARKS AND RECREATIONAL AREAS; AMENDING CHAPTER 7 "USE REGULATIONS"; REVISING SECTION 705 RELATING TO "COMMERCIAL ZONING DISTRICTS" REQUIREMENTS AND SECTION 706 "INDUSTRIAL ZONING DISTRICTS" REQUIREMENTS; REVISING GRAMMAR AND INSERTING CATCHLINES; REVISING USES, STANDARDS, AND REQUIREMENTS; REVISING SECTION 713 RELATING TO "SPECIFIC USE REGULATIONS"; REPEALING SECTION 713.6 RELATING TO CHILD CARE CENTERS AND SECTION 713.14 RELATING TO RESTAURANTS; REVISING SECTION 713.19 RELATING TO FUEL SERVICE STATIONS WITH MINI-MARKETS/CONVENIENCE STORES; PROVIDING ACCESSORY USE STANDARDS; AMENDING SECTION 713.21 PLACES OF ASSEMBLY AND 713.22 PAIN MANAGEMENT CLINICS, REVISING GRAMMAR; AMENDING SECTION 715 RELATING TO TRANSIT ORIENTED CORRIDOR DISTRICTS; AMENDING DEVELOPMENT INCENTIVES; AMENDING SECTION 715.3.3 RELATING TO LANDSCAPE STANDARDS; PROVIDING NEW STANDARDS FOR TREE PLANTERS, PLANTING STRIPS, MEDIAN TREES, AND STREET TREES; REVISING SECTION 713.3.7 RELATING TO DEVELOPMENT STANDARDS IN SPECIAL DISTRICT 3 (COMMUNITY FACILITIES); REVISING GRAPHICS AND TABLES DISPLAYED IN SECTION 715.4.0 IN THE TRANSIT ORIENTED CORRIDOR DISTRICT; AMENDING SECTION 809.9 RELATING TO GAZEBOS AND PERGOLAS; AMENDING SECTION 809.13 RELATING TO UTILITY SHEDS; REVISING SECTION 809.17 REGULATIONS AND INCLUDING REGULATION OF PATIOS ON FEE-SIMPLE MULTI-FAMILY LOTS; AMENDING SECTION 809.18 TO INCLUDE REGULATION OF WALKWAYS ON MULTI-FAMILY LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INTENT; INCLUSION IN THE CODE; PROVIDING FOR INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City is working on an update of the entire Land Development Code (“LDC”) in order to enhance usability, incorporate best practices and modernize the City’s LDC; however, due to a marked increase in development activity and heightened interest for development and redevelopment opportunities, particularly within the City’s main redevelopment area, the Transit Oriented Corridor District (“TOCD”), certain regulations are more appropriate for earlier adoption; and

WHEREAS, in an effort to streamline the process for targeted industries and initiatives and assist homeowners and small businesses, the City desires to update and clarify certain regulations and requirements for certain permitted uses within the commercial, industrial, and TOCD zoning districts, as well as certain specific use, temporary use and accessory use regulations; and

WHEREAS, the City Manager recommends amending LDC Chapter 5 “Development Review Procedures”, specifically Section 505 “Temporary Uses”, and Section 508 “Certificates of Level of Service Compliance”; Chapter 7 “Use Regulations”, specifically Section 705 “Commercial Districts”, Section 706 “Industrial Districts”, Section 713 “Specific Use Regulations”, Section 715 “Transit Oriented Corridor District Code”, and Chapter 8, “Development Standards of General Applicability”, specifically Section 809 “Accessory Uses”, as shown herein, to update and clarify certain regulatory requirements and procedures; and

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WHEREAS, the City Commission deems it to be in the interest of the citizens and residents of the City of Miramar to amend Chapter 5 “Development Review Procedures”, specifically Section 505 “Temporary Uses”, and Section 508 “Certificates of Level of Service Compliance”; Chapter 7 “Use Regulations”, specifically Section 705 “Commercial Districts”, Section 706 “Industrial Districts”, Section 713 “Specific Use Regulations”, Section 715 “Transit Oriented Corridor District Code”, and Chapter 8, “Development Standards of General Applicability”, specifically Section 809 “Accessory Uses”, as shown herein, to streamline the process for targeted industries and initiatives and assist homeowners and small businesses; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has found this Ordinance to be consistent with the Comprehensive Plan.

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

Section 2: That section 505 of the Land Development Code of the City Code of the City of Miramar, Florida, is hereby amended to read as follows*:

Sec. 505. - Temporary Uses ~~uses~~ and Structures ~~structures~~.

* Additions to existing text are shown in **underlined text**; deletions are shown in **~~stricken through text~~**; and changes between first and second reading are shown in highlighted text.

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505.1. ~~Permit required~~ required: No ~~All~~ temporary uses and/or structures which ~~is~~ are not otherwise treated by this Code as a permitted use or conditional use in a particular zoning district and which ~~is~~ are not otherwise prohibited under the terms of this Code shall be conducted or erected after obtaining ~~without~~ a temporary use or temporary structure permit. 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.

505.2. Review and approval: ~~Review and approval~~. An application for temporary use shall be submitted and reviewed in conformance with the procedures of ~~general applicability~~, contained in this Code. Notice and public hearing requirements shall not apply to temporary use or temporary structure permits. The payment of an application fee, established by the ~~city commission~~ City Commission, shall be included with the application for a ~~temporary use permit~~ Temporary Use Permit ("TUP"). All tax-exempt organizations who qualify under Section 501 of the Internal Revenue Code are exempt from payment of the fee. TUP applications ~~Applications for temporary use or structure permits~~ shall be reviewed and approved by the City Manager ~~city manager~~ or his or her designee, or by the City Commission ~~city commission~~, as designated, who may impose reasonable conditions upon the TUP ~~temporary use or structure permits~~.

505.2.1. Administrative/DRC approval: The establishment of the following uses shall require a ~~temporary use or structure permit~~ TUP issued by the ~~city manager~~ City Manager or his or her designee.

(a) Construction office trailers, materials storage, processing and fabrication, and equipment storage for a development project with final site plan approval.

~~(b) Construction materials storage, processing and fabrication for a development project with final site plan approval~~

~~(c) Construction equipment storage for a development project with final site plan approval~~

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~~(b)~~ (d) Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with the final site plan and Broward County Plat approval. Such TUPs shall first be subject to DRC review and approval. The model homes and sales offices shall be located on contiguous parcels or lots 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 temporary use permit for offices and model homes, a plat for the project must be approved by Broward County.~~

~~(c)~~ (e) Seasonal sales lots offering products such as Christmas ~~trees~~ trees, or pumpkins, ~~flowers and the like~~ or flowers; provided, however, no temporary permit TUP shall be issued for sales within public rights-of-way, and fireworks sales shall be subject to Fire-Rescue Department ~~fire department~~ approval.

~~(d)~~ (f) Sidewalk or parking lot sales by ~~city-licensed~~ businesses having a city-issued Business Tax Receipt, with all such activities located within the property of those businesses and not in the right-of-way.

(e) Food truck sales by properly licensed and inspected businesses as part of a special event in conjunction with a business having a city-issued Business Tax Receipt on the same property.

(f) Farmers' markets.

(g) Outdoor events held on non-city owned properties, which are anticipated to have at least 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 505.2.2.

(h) Community garage sales.

505.2.2. City Commission approval: Applications for the following types of ~~temporary use or structure permits~~ TUPs shall be transmitted to the ~~city manager~~ City Manager, who shall schedule the application for review by the ~~city commission~~ City Commission. The ~~commission~~ Commission may approve the application by resolution and may impose reasonable conditions as necessary to ensure public safety and welfare ~~upon the temporary use or structure permits:~~

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(a) Carnivals, fairs, circuses, and other outdoor events held on non-city owned properties which anticipate having over 1,000 attendees at any given time.

(b) Fireworks displays and shows.

(c) Open burning permits.

(d) ~~[Reserved.]~~

(d) ~~(e)~~ Other temporary uses or structures which in the opinion of the ~~city manager~~ City Manager may require ~~city commission~~ City Commission review.

505.3. Maximum time limit: ~~Maximum time limit:~~ A maximum time limit shall be established for all ~~temporary uses~~ TUPs based on the minimum amount of time needed to conduct the permitted activity. ~~Temporary uses and structures~~ TUPs related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project (issuance of the final certificate of occupancy). Temporary signs shall be limited to the duration provided for in this Code and shall be submitted for review and approval with the Temporary Use Permit application.

505.4. Revocation of permits: ~~Revocation of permits:~~ Any temporary use or structure which becomes a nuisance, violates the conditions of the permit, endangers the public health or safety or is in violation of this Code shall be immediately subject to revocation ~~revoked~~ by the City Manager ~~city manager~~. ~~Any temporary use or structure which endangers the public health or safety shall be revoked immediately by the city manager.~~

505.5. Exemptions: ~~Exemptions:~~ A ~~a~~ TUP will not be required when such use or structure is part of a construction project by or for the city; however a building permit shall be required.

505.5.1. ~~No permit for temporary use or structure will be required when such use or structure is part of a construction project by or for the city.~~

505.6. General criteria and limitations: ~~General criteria and limitations for temporary use permits.~~

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505.6.1. The temporary use must be compatible with the surrounding land ~~lands~~ uses; however, ~~no temporary use permits~~ TUPs shall not be issued in developed single-family residential areas, except for Community Garage Sales.

505.6.2. Parking: A parking problem must not be created. If off-site parking is to be utilized, permission must be in writing from the subject property owner ~~of said property~~. ~~Said owner~~ who must demonstrate that the parking requirement of the temporary use does not cause the loss of legally required parking spaces for the ~~his/her~~ site.

505.6.3. Amount of TUPs: An applicant may not receive a TUP ~~temporary use permit~~ on the same property more than ~~three times within a calendar year~~ once per thirty (30) day time period, unless approved by the ~~city manager~~ City Manager or his ~~or her~~ designee and after finding that the TUP will not endanger public safety or health and will not cause a nuisance to adjacent properties.

Section 3: That section 508.14 of the Land Development Code of the City Code of the City of Miramar, Florida, is hereby amended to read as follows*:

508.14. Parks and recreational areas. The owner of land who has applied for approvals for residential development 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 the rate of four acres of park land per 1,000 residents, concurrent with demand.

The LOS certificate shall certify compliance with specifications and standards adopted by the City of Miramar, and the adequacy of park land dedication and/or park land funds to meet the obligations of the proposed development. No development shall be approved unless it is determined that adequate park land area is available or will be available prior to the granting of a certificate of occupancy. The Parks and Recreation Director ~~community services administrator~~ shall be responsible for determining parks and recreation capacity.

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Developers of residential property or residential units within a mixed-use category located within the Transit Oriented Corridor District shall be exempt from the procedures of Sections 508.14.1 and 508.14.2 below for Land Dedication or entering into a Park Agreement with the City but shall instead pay the established Community Parks Land Dedication Fee, prior to the issuance of a building permit.

Section 4: That section 705 of the Land Development Code of the City Code of the City of Miramar, Florida, is hereby amended to read as follows*:

Sec. 705. - Commercial Zoning Districts. ~~Sec. 705. - Commercial zoning districts.~~

705.1. Purpose: ~~Purpose.~~ These commercial districts are intended to provide for commercial development in conformance with the comprehensive plan and allow for a variety of zoning districts to accommodate the city's business and commerce needs. The uses within these districts shall be consistent with, but may be more restrictive than, the commercial land use plan category permitted uses. These zoning districts may be applied to land designated Commercial ~~commercial~~ or Regional Activity Center ~~regional activity center~~ on the city's land use plan map or to land which qualifies for small scale commercial pursuant to the land use plan's commercial flexibility rules.

705.2. Neighborhood Business (B1) district: ~~Neighborhood business (B1) district.~~ This district is intended to provide primarily for retail sales and services to a surrounding neighborhood. Retail stores permitted therein are intended to include primarily convenience goods which are usually a daily necessity for a residential neighborhood. The district is appropriate for location on a collector or an arterial roadway.

705.2.1. Permitted uses: ~~Uses permitted.~~ No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or in part for other than one or more of the following specific uses; provided, that the requirements set forth elsewhere in this section are satisfied:

- (a) Grocery stores and drugstores as defined in Section 201, with each store limited to 20,000 square feet of total floor area. ~~Pharmacies, as defined in Section 201, shall be approved by conditional use and shall be subject to the requirements of Section 713.22.~~

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- (b) Stores for sale of new merchandise, directly to the ultimate consumer only, with each use limited to 10,000 square feet of total floor area per establishment and limited to the following: ~~C~~convenience, hardware, bakery, dairy, meat market, dressed poultry shop, bookstore, newsstand, florist, gift/card shop, sundries, notions, tobacco products, clothes, jewelry, arts and crafts, camera shops, small electronics and picture framing shop.
- (c) Convenience stores shall be subject to the following conditions:
1. The minimum lot area shall be 20,000 square feet.
 2. The minimum frontage on a street shall be 150 feet.
 3. The minimum setback of any building from all street lot lines shall be ~~65~~ 25 feet and 30 feet in the rear.
 4. Convenience stores within 200 feet of properties in residential, community facility or recreation open space zoning districts, shall protect those properties from headlight glare, undesirable noise and views by the following:
 - a. A decorative masonry wall, of uniform appearance ~~six~~ eight feet in height, above finished grade, except along street frontages abutting a right-of way with a width of 80 feet or greater.
 - b. A five-foot wide landscape area which shall be outside the wall and consist of a two-foot high continuous hedge at the time of planting and maintained at a height of at least four feet.
 - c. Such masonry wall and landscaping shall be maintained in good condition at all times, This masonry wall and landscaping may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted pursuant to the Code.
- (d) Personal services with each use limited to 2,500 square feet of total floor area per establishment and limited to the following: dry cleaning (not conducted on premises) travel agency, barbershop, beauty shop, shoe repair, video rental, postal facilities, consumer electronic repair and small appliance repair, tailoring and alterations, photographic film pickup, Laundromat open not earlier than 7:00 a.m. and close not later than 11:00 p.m., dry cleaning establishment for direct service to customers, and restaurant without drive-through facilities.
- (e) Print shop limited to 2,500 square feet of gross area per establishment and subject to the following limitations:

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- a. The plate size shall be limited to 30 by 42 inches.
- b. The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.
- (f) Offices such as the following, limited to 20,000 square feet per establishment: professional, business offices, medical or dental offices or clinics, ~~provided that a pain management clinic, as defined in Section 201, shall be approved as a conditional use and shall be subject to Section 713.22.~~
- (g) Banks and financial institutions, ~~including drive-through facilities,~~ limited to 20,000 square feet per establishment.
- (h) Indoor commercial recreation uses limited to martial arts, dance and exercise studios. There shall be a maximum of 2,500 square feet of total floor area per establishment ~~and no more than one per commercial center.~~
- (i) Nursery school or child care or day care center subject to the following standards:
 - (1) a. Building shall be located at least 30 feet from any ~~R~~ residentially-zoned property lands.
 - (2) b. At least one completely fenced and secure play lot shall be established, maintained and used for children at play. All outdoor play areas shall be landscaped, grassed, mulched or covered by an artificial rubberized surface, and shall not be paved. The fence shall ~~be not be~~ not be less than five feet in height. Fencing must be picket or chain-link with coating and without vinyl slats at a minimum.
 - (3) c. Play lots located closer than 50 feet to the plot line shall be screened by an opaque fence or wall or ~~compact evergreen~~ hedge not less than five feet in height and shall be protected by bollards as well as fencing.
 - (4) Indoor usable play space shall be at least 35 square feet per child.
 - (5) Outdoor play space shall be at least 45 square feet per child.
- (j) Institutions such as libraries, and ~~and~~ museums ~~and similar facilities.~~
- (k) Accessory uses and structures, including electric car charging stations and rooftop photovoltaic systems subject to Section 809.20.
- (l) Places of public assembly.
- (m) Community gardens encompassing less than 10% of building lot coverage and farmers' markets

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(n) The following may be permitted as a Conditional Use only:

- (1) Pharmacies, as defined in Section 201, subject to the requirements of Section 713.22.
- (2) Pain management clinics, as defined in Section 201, subject to Section 713.22.
- (3) Banks and financial institutions with a drive-thru.

705.2.2. Prohibited uses: ~~Uses prohibited.~~ The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following:

(a) Any use not specifically permitted.

~~(b) [Reserved.]~~

~~(b)~~ (e) Sale of goods to other than the ultimate consumer.

~~(c)~~ (d) Sales, display or storage of used merchandise other than antiques.

~~(d)~~ (e) Sale of alcoholic beverages for on-premises consumption except with meals.

705.2.3. Use limitations: ~~Limitations of uses and structures.~~ All activities of permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building, except ~~Except for automobile parking lots and outdoor play areas of day nurseries of public and private schools, community gardens and farmer's markets~~ all activities of permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building. Overhead doors or other openings larger than eight feet in width shall not be located on the front or immediate street side elevations of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened in accordance with the requirements contained in this Code.

705.2.4. Maximum height: ~~Maximum height. 35 feet.~~ No building or structure shall be erected or altered to a height exceeding 35 feet.

705.2.5. Minimum lot area and width: ~~Minimum lot area and width. None.~~ There shall be no minimum required width or area of plot except as otherwise provided.

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705.2.6. Setbacks (minimum): Setbacks: 50 feet (front), 10 feet (side) and 20 feet (rear), except as otherwise provided, all from the property lines. ~~Except as otherwise provided every plot shall have a front yard not less than 65 feet in depth. Every plot shall have a street side yard of not less than 20 feet in depth. There is no side yard setback for a plot which is not adjacent to a street or alley. Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear access way of at least five feet in width shall be provided from each egress point from the building to said alley.~~

705.3. Community Business (B2) district: ~~Community business (B2) district.~~ This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

705.3.1. Permitted uses: ~~Uses permitted.~~ No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses:

- (a) Any use permitted in a B1 ~~B-1~~ district subject to the requirements of that district as outlined herein.
- (b) Personal and professional services, including small appliance repair and consumer electronic equipment repair, funeral homes and mortuaries.
- (c) Business and professional offices.
- (d) Stores for sale of new merchandise, including drugstores as defined in Section 201 and grocery stores conducted solely within a building, directed primarily to the ultimate consumer.

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- (e) Convenience stores ~~within 200 feet of properties in residential, community facility or recreation open space zoning districts, shall protect those properties from headlight glare, undesirable noise and views by the following:~~
- ~~1. A decorative masonry wall, of uniform appearance six feet in height, above finished grade, except along street frontages abutting a right-of-way with a width of 80 feet or greater.~~
 - ~~2. A five-foot wide landscape area which shall be outside the wall and consist of a two-foot high continuous hedge at the time of planting and maintained at a height of at least four feet.~~
 - ~~3. Such masonry wall and landscaping shall be maintained in good condition at all times. This masonry wall and landscaping may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted pursuant to the Land Development Code.~~
 - ~~4. Except that convenience stores that are~~ shall be subject to the requirements of the B1 district and those ~~within 60 feet of residential property shall also be subject to the perimeter buffering requirements set forth elsewhere in this chapter in the landscaping section of this Code.~~
- (f) Stores for sale of antiques and used books, furniture and clothing.
- (g) Dry cleaning establishment for direct service to customers subject to the following limitation and requirement: ~~There~~ shall be a maximum of 3,000 square feet of gross area per establishment.
- (h) Print shop subject to the following limitations:
1. The plate size shall be limited to 30 by 42 inches.
 2. The equipment shall be limited to photocopy, diazo process or similar type print machines, facsimile and offset duplicator machines.
 3. There shall be a maximum of 5,000 square feet of gross floor area per establishment.
- (i) Indoor commercial recreation uses including, but not limited to: ~~Assembly hall, night club, bar, tavern, restaurants which serve beer, wine or other alcoholic beverages, theater, bowling center, miniature golf, skating rink, tennis, racquetball, handball facilities, health clubs and physical fitness facilities.~~ assembly hall; night clubs, bars, taverns, restaurants which serve beer, wine or other alcoholic beverages; theater; bowling center; miniature golf; skating rink; indoor tennis, racquetball, handball, soccer, volleyball, and basketball facilities; health clubs and physical fitness facilities.

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(j) Theme restaurants.

(k) Restaurant, night clubs, lounge, and catering.

(1) ~~1.~~ Menu board: Menu boards and service windows associated with such businesses shall not be placed on building elevations adjoining a street.

(2) ~~2.~~ Play equipment: Play equipment areas shall be placed in walled-in or fenced-in areas only. The wall design and/or fence must be compatible in design, materials, and color with the main structure. Between any such areas and adjoining sidewalks, parking spaces or other vehicular use areas, a landscape strip of no less than five feet shall be provided containing trees and tall shrubs of three feet minimum height. Play equipment shall be limited to a maximum height of ten feet or the height of the fascia, whichever is lower. The colors of the play equipment shall be compatible with the main building colors.

(l) Outdoor commercial recreation uses limited only to tennis, racquetball, squash, and handball courts, swimming pools, and running tracks, and accessory uses and structures, provided that:

(1) ~~1.~~ Playing courts, pools, and tracks may be located no closer than 25 feet to any street line or residential plot.

(2) ~~2.~~ High intensity lighting fixtures located within 100 feet of any residential plot shall be extinguished no later than 10:00 p.m.

(3) ~~3.~~ No outdoor commercial recreational uses permitted by this subsection shall be placed on any parcel of land less than four acres in size.

(m) Nursery schools or child or day care centers, subject to the ~~following~~ standards in the B-1 district.

~~1. Buildings shall be located at least 30 feet from any property zoned for residential use.~~

~~2. Nursery schools or child care centers shall have at least one completely fenced and secure play lot which shall be established, maintained and used for children at play. The fence shall be not less than five feet in height.~~

~~3. Play lots located closer than 50 feet to a property line of a property zoned for residential use shall be screened by an opaque fence or wall or compact evergreen hedge not less than five feet in height.~~

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- (n) Adult trade, professional or other adult educational institutions, conducted solely within a building. Trades for which on-the-job training facilities are provided shall be limited to those which are permitted uses within this district unless they comprise less than ten percent of the floor area of the building or plot.
- (o) Private club, lodge, fraternity and similar uses.
- (p) Public transportation dispatch or business office only including taxi dispatch; providing, however, that vehicular parking, storage, repair or depot shall not be maintained on the premises. This restriction shall not prohibit public stands.
- (q) Veterinary and animal hospitals, subject to the following conditions and limitations:
 - (1) ~~4-~~ All facilities shall be contained within completely enclosed structures without windows in any area where animals are contained or treated.
 - (1) ~~2-~~ Adequate soundproofing in any area where animals are contained or treated.
 - (1) ~~3-~~ No exterior cages.
 - (1) ~~4-~~ No animals may be exercised outdoors before 7:00 a.m. or after 7:00 p.m.
 - (1) ~~5-~~ Shall contain an approved air-handling system for disinfection and odor control.
 - (1) ~~6-~~ Shall contain adequate waste control facilities, such as a flush system or equal.
 - (1) ~~7-~~ Shall contain no crematory facilities.
 - (1) ~~8-~~ Such facility shall contain a minimum of 2,500 square feet.
 - (1) ~~9-~~ All boarding activities shall be ancillary to the primary use.
- (r) Retail sales of swimming pool supplies subject to the following conditions and limitations:
 - (1) ~~1-~~ All swimming pool supplies, including pre-packaged chemicals, except bulk quantities of Sodium Hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.
 - (1) ~~2-~~ Bulk quantities shall mean any quantity stored in any container, which quantity is to be removed for repackaging. Bulk storage shall mean any storage of any material, which material is to be removed for repackaging.

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(1) ~~3-~~ No wholesale or bulk-non-packaged storage or sale of Calcium Hypochlorite or Muriatic Acid shall be permitted. Muriatic Acid shall be sold only if pre-packaged.

(1) ~~4-~~ The sale and storage of all swimming pool related chemicals and other such supplies shall be regulated by the standards set forth in the ~~South~~ Florida Building Code, Broward Edition, the ~~South~~ Florida Fire Prevention Code, Broward Edition, the provisions of the National Fire Protection Association relating to storage of liquid and solid oxidizing materials and storage of gaseous oxidizing materials, and applicable regulations established by Broward County, as such standards may be amended from time to time.

(s) Accessory uses and structures, including electric car charging stations and rooftop photovoltaic systems subject to Section 809.20.

(t) The following uses if first approved as a conditional use:

▪ (1) Bulk storage of Sodium Hypochlorite.

▪ (2) Heliport, helistops and off-heliport landing sites.

▪ (3) Pain management clinics, as defined in Section 201, in accordance with the requirements of Section 713.22.

▪ (4) Pharmacies, as defined in Section 201, in accordance with the requirements of Section 713.22.

▪ (5) Amusement center, the primary business of which is to offer mechanical and/or electronic coin- and/or token-operated amusement devices to the general public for ~~profit~~. profit shall be permitted, subject to the following limitations and requirements:

(A) ~~4-~~ Amusement centers shall be located in an enclosed shopping center comprised of a building having a total commercial indoor area of not less than 200,000 feet.

(B) ~~2-~~ No amusement center shall operate closer than 500 feet to a residentially zoned district.

(C) ~~3-~~ No amusement center shall be located closer than 1,500 feet of any public or private elementary or secondary school or playground.

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(D) ~~4.~~ Each shopping center which qualifies as a location shall be limited to only one amusement center.

(E) ~~5.~~ A minimum gross floor area of 40 square feet per machine shall be provided.

(F) ~~6.~~ Business shall not be conducted before 10:00 a.m. or after 9:00 p.m. Business hours may be extended from 9:00 p.m. until 12:00 midnight solely upon the condition that the owner or operator of said business employs an off-duty police officer to patrol the business premises. Said patrol shall be maintained for two and one-half hours prior to closing and one-half hour after closing each day that the business maintains business hours after 9:00 p.m.

(G) ~~7.~~ Conduct of business shall be supervised at all times by a minimum of one person over the age of 21 years.

(H) ~~8.~~ The maximum floor area of each establishment shall be 2,000 square feet.

6^{*} Buildings or structures exceeding the height limitations set forth in this section, up to a maximum height of 100 feet.

7^{*} Hotels and motels and time share units, subject to the following:

(A) ~~1.~~ Minimum plot area shall be two acres.

(B) ~~2.~~ Any outdoor recreation areas including swimming pools shall be located at least 25 feet from the plot line of any adjacent residentially zoned property unless the adjacent property is being utilized for business related parking.

~~3. The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 350 square feet.~~

(C) ~~4.~~ The following amenities shall be included as part of any hotel or motel or time share unit:

1. a. Interior corridors or hallways leading to and from rooms except emergency exits. ~~No "catwalk" exterior hallways. No "Catwalk catwalk" exterior hallways shall not be permitted.~~

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- ~~2. b.~~ An office or lobby containing a registration desk that is staffed by at least one hotel/motel employee 24 hours a day, and that is located in an area where the path between entrances/exits and guest room corridors and public elevators is visible to the employee.
- ~~c.~~ Meeting or conference room(s) that will seat at least 350 people at tables.
- ~~d.~~ A swimming pool of a minimum surface area of 1,250 square feet.
- ~~3. e.~~ An ancillary full service restaurant serving breakfast, lunch, and dinner seven days a week shall be located within the primary building and shall seat a minimum of 100 people. Any lounge facility may be permitted as accessory to the a full service restaurant, and, as a permitted accessory use, shall be exempt from the provisions of Land Development Code Section 713.3, requirement to obtain separate Conditional Use approval and distance requirements for sale of alcoholic beverages.
- ~~f.~~ Central air conditioning shall be provided for the entire building, including all individual rooms or suites (no through the wall air conditioning units are permitted).
- ~~g.~~ The minimum number of rental sleeping rooms shall be 250 rooms.

(D) If a hotel were to provide at least 5,250 square feet of meeting and/or conference room space, then the following incentives shall apply:

1. All perimeter landscape bufferyards may be a minimum of 10' wide, regardless of the adjacent land uses and zoning districts. If the bufferyards overlap with utility and/or drainage easements, where plantings would not be permitted, then only ground cover shall be required for these easements and bufferyards.

2. All pedestrian landscape zones will only be required to be 10' wide, regardless of the height of the building.

3. The minimum setback from any property line shall be 20' or the width of any easements, provided that proper internal traffic circulation is provided.

4. The building may exceed the height requirement of the zoning district by one floor.

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8 * Retail sales of gasoline in conjunction with a minimarket/convenience store (including the expansion of any existing retail gasoline sales use). ~~Any one or more of the following are permitted as an accessory use,~~ subject to the regulations of Section 713.19. [÷]

~~(1) Car wash (automatic or attendant).~~

~~(2) Food service prepared on-site by staff per customer order from a menu.~~

~~(3) Oil change/lube facility.~~

9 * Tire installation and service facilities.

(a) ~~(1)~~ Located in shopping center of at least ten acres with no more than one tire store per center.

(b) ~~(2)~~ No major repairs shall be performed. Accessory uses such as alignments, balancing, brakes, suspension system repair and similar types of service may be performed; as well as preventative maintenance such as oil and fluid changes, hose repair, wiper repair, and similar services.

(c) ~~(3)~~ Exclude body repair and painting.

(d) ~~(4)~~ No outside display of tires or other merchandise.

(e) ~~(5)~~ No outside storage of used tires.

(f) ~~(6)~~ All service and repair to be performed entirely within the building.

(g) ~~(7)~~ No tow trucks parked on the premises.

(h) ~~(8)~~ No outside parking of vehicles overnight.

(i) ~~(9)~~ Hours of operation. Where the use is located 500 feet or closer to a residential property (property line to property line), the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.

(j) ~~(10)~~ A decorative masonry wall must be included on the site plan, at least six feet high, separating the tire center property from any abutting residential property, with a minimum ten-foot wide landscape buffer outside the wall consisting of at least three tiers of landscape material (ground cover, continuous hedge and 14-foot high shade trees planted on-center).

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705.3.2. Prohibited uses: ~~Uses prohibited.~~ Except as specifically permitted in this division, any use in a B3 district is ~~the following uses are~~ expressly prohibited as either a principal or an accessory uses. ÷

~~(a) Any use first permitted in B-3 district.~~

705.3.3. Use limitations: ~~Limitations of uses and structures.~~ All activities of permitted uses, including sale, display, preparation and storage shall be conducted within a completely enclosed building except as follows:

(a) Open-air retail sales of plant materials not grown on-site, home garden supplies and related merchandise (garden shop) are permitted as an accessory use to a retail business subject to the following conditions:

(1) ~~4.~~ The garden shop must be accessory to and operating as a part of a retail business.

(2) ~~2.~~ Total square footage of the garden shop shall not exceed the total square footage of floor space within the principal retail business.

(3) ~~3.~~ An accessory garden shop shall be enclosed by at least an eight-foot wall; the wall on the side contiguous to the main structure must be solid concrete or masonry; however, the three noncontiguous walls may be constructed with up to 50 percent of the eight-foot height in these locations consisting of decorative or ornamental fencing (not chain link fencing or similar materials). Additionally, only living plant materials, and the pots in which they are planted, may be displayed in the openings in the wall. No machinery, supplies, inventory, products, equipment or other materials other than living plant materials and the pots in which they are planted, shall be visible through the openings in the wall from the property line of the development boundary. One side of the garden center shall be contiguous to the principal use to which it is accessory.

(4) ~~4.~~ Stocking of the garden shop shall be done internally or through a single gate at the rear of the premises.

(5) ~~5.~~ No more than one other gate in addition to the gate described in ~~4.~~, above, at the rear of premises shall be provided to allow bulky items to be carried out for customer pickup.

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- (b) Any activity which is enclosed by a concrete or masonry wall at least eight feet in height. No machinery, supplies, inventory, products, equipment or materials other than landscaping exceeding eight feet in height shall be allowed in such permitted area.
- (c) Seating area when utilized as an accessory use to a restaurant.
- (d) Play areas of day nurseries ~~or public or private schools~~.
- (e) Any drive-thru business.
- (f) Refueling areas and recharging stations of vehicle service stations.
- (g) Tennis, racquetball, squash and handball courts, swimming pools, and running tracks, and outdoor seating areas appurtenant thereto.
- (h) Overhead doors or other openings larger than eight feet in width and eight feet in height shall not be located on the front or immediate streetside elevations of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened with a masonry or stucco wall in accordance with the requirements contained in this chapter.

705.3.4. ~~*Maximum height:*~~ Maximum height. No building or structure shall be erected or altered to a height exceeding 100 feet, unless the property is within 200 feet of residential property. That portion of a building or structure within 200 feet of any residential property zone shall be subject to a height limitation of one foot in height for every two feet in distance from the residential property zoned plot unless the application of this requirement would limit the building height to less than 25 feet.

705.3.5. ~~*Minimum lot area and width:*~~ Minimum lot area and width. Except as otherwise provided herein, there shall be no minimum width or area of plot. None.

705.3.6. ~~*Setbacks (minimum):*~~ Setbacks: 50 feet (front), 20 feet (side/rear), all from the property lines. Every plot upon which a structure is hereafter erected shall have setbacks as follows:

- (a) ~~Every plot shall have a front yard not less than 65 feet in depth, except a front yard not less than 25 feet in depth shall be required where the front plot line is adjacent to a right of way of less than 60 feet in width. No front yard setback shall be required in those areas where the front 65 feet or greater have been conveyed to the city in conformance with the parking regulations. No storage shall occur within the front yard setback.~~

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~~(b) Every plot shall have a street side yard of not less than 20 feet in depth.~~

~~(c) Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear accessway of at least five feet in width shall be provided from each egress point from the building to said alley.~~

~~705.3.7. Special provisions for shopping center out parcels: Special provisions for shopping center outparcels. Where an out parcel has been subdivided from the parent shopping center tract in accordance with the provisions of the Code, or in separate ownership from the shopping center or subject to a lease, license, or easement in favor of a person or legal entity separate from the shopping center, no~~ No more than 30 50 ~~percent of the frontage of any shopping center may be obstructed by out parcel development consisting of walls, buildings or other visual obstruction except for landscaping materials and freestanding signs less than three feet in height. However, where an out parcel has been subdivided from the parent shopping center tract in accordance with the provisions of the Land Development Code, no more than 33 percent of the frontage of the outparcel shall be permitted to be obstructed by development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. No out parcel building shall be located closer than 70 feet at the closest point or by the height of the higher of the two buildings to any other out parcel building, whichever is greater.~~

~~705.4. Heavy Business (B3) district: Heavy business (B3) district. This district is intended to provide locations for planned commercial centers, sharing a common identity, parking and other support facilities developed according to an overall development plan; and for a wide range of goods and services to serve a market beyond the community itself. Such commercial concentrations are expected to draw substantial patronage from outside areas and are not expected to serve the convenience needs of local residents. As such, these centers should be oriented towards, and have direct access to arterial roadways, particularly major arterials.~~

~~705.4.1. Permitted uses: Uses permitted.~~ No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied:

(a) Any use permitted in a B1 or ~~B-2~~ B2 district subject to the requirements of that district as modified herein.

(b) Stores for sale or rental of new or used merchandise conducted solely within a building.

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- (c) Personal and professional services such as home appliance repairs and business service agencies, repair of electronic equipment and home service agencies, funeral homes and mortuaries.
- (d) Business services, business and professional offices with the provision that in the event a contractor, in conjunction with his business office, has a contractor shop the limitations outlined in this subsection shall apply.
- (e) Sales and installation of automobile tires, batteries and window tinting.
- (f) Commercial transportation business including taxi dispatch, bus and tram depot.
- (g) Motor vehicle repair and service garage.
- (h) Car wash.
- (i) Telephone exchange.
- (j) Appliance, furniture and small equipment rental agencies.
- (k) Contractor shops subject to the following limitations: The activity shall be limited to 2,500 square feet. Loading zones and parking areas for employees shall be adequately screened from public view from thoroughfares and adjacent residential districts.
- (l) Professional and research and development offices.
- (m) Accessory uses and structures.
- (n) The following uses if first approved as a conditional use and subject to the availability of sufficient flexibility as permitted by the comprehensive plan:
 - (1) * Buildings or structures exceeding the height limitations set forth in this section, up to a maximum height of 100 feet.
 - (2) * Heliports, helistops and off-heliport landing sites.
 - (3) * Medical Marijuana Retail Center, as defined in Section 201, in accordance with the requirements of Section 713.25, Land Development Code.
 - (4) * Sale or rental of new or used automobiles, trucks, trailers, motorhomes and boats.
 - (5) * Storage and distribution facilities, including self-storage facilities subject to Section 713.16.

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(6) * Motor vehicle paint and body repair.

(7) * Check cashing/pay day advance stores.

(8) * Pain management clinics, as defined in Section 201, in accordance with the requirements of Section 713.22.

(9) * Pharmacies, as defined in Section 201, in accordance with the requirements of Section 713.22.

(o) Communication broadcast and production facilities.

(p) Plant nurseries, excluding the growing of Marijuana.

705.4.2. Prohibited uses: ~~Uses prohibited.~~ The permitted uses enumerated in this district shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

(a) Any use first permitted in industrial districts.

(b) Open air sale or display of machinery or construction equipment.

(c) Medical Marijuana Treatment Center.

705.4.3. Use limitation: ~~Limitations of uses and structures.~~

(a) All permitted uses in this district shall be conducted within a completely enclosed building except as follows:

(1) ~~(a)~~ Any activity which is enclosed by a concrete or masonry wall at least eight feet in height effectively screening such use from outside direct view at ground levels.

(2) ~~(b)~~ Seating area when utilized as an accessory use to a restaurant.

(3) ~~(c)~~ Motor vehicles sales or rental.

(4) ~~(d)~~ Play areas of day nurseries ~~or public or private schools.~~

(5) ~~(e)~~ Drive-thru businesses.

(6) ~~(f)~~ Refueling or recharging areas of service stations.

(7) ~~(g)~~ Car wash.

(8) ~~(h)~~ Plant nurseries.

(9) ~~(i)~~ Commercial marinas.

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(10) ~~(j)~~ Recreational uses.

(11) ~~(k)~~ Storage area in this district may be provided outside an enclosed building providing the storage area is contained fully within a ~~six~~ eight-foot high decorative masonry wall. Said masonry wall shall provide along the extension thereof, a five-foot planting strip to be landscaped in accordance with this Code.

(b) The following specific uses shall be permitted only when the entire site so utilized is not closer than 300 feet from ~~an R~~ any residentially zoned district:

(1) ~~(a)~~ Cabinet and carpenter shop.

(2) ~~(b)~~ Heating and air conditioning contractor shop.

(3) ~~(c)~~ Sign shop.

(4) ~~(d)~~ Tinsmith shop.

(5) Overhead doors or other openings larger than eight feet in width shall not be located on the immediate streetside of buildings. If oriented toward contiguous residentially zoned land said opening shall be screened in accordance with the requirements contained in this Code.

705.4.4. ~~Maximum height:~~ Maximum height. ~~No building or structure shall be erected or altered to a height exceeding 100 feet, unless the property is within 200 feet of residential property.~~ That portion of a building or structure within 200 feet of any residential zone shall be subject to a height limitation of one foot in height for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to less than 25 feet.

705.4.5. ~~Minimum lot area and width:~~ Minimum lot area and width. ~~Except as otherwise provided herein, there shall be no minimum width or area of plot.~~ None.

705.4.6. ~~Setbacks (minimum):~~ Setbacks. ~~50 feet (front), 20 feet (side/rear) from the outer property lines of the site. Every plot upon which a structure is hereafter erected shall have setbacks as follows:~~

(a) ~~Every plot shall have a front yard not less than 65 feet in depth. No front yard setback shall be required in those areas where the front 65 feet or greater have been conveyed to the city in conformance with the parking regulations.~~

(b) ~~Every plot shall have a street side yard of not less than 20 feet in depth.~~

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~~(c) Where a plot abuts a dedicated alley, a rear yard of not less than ten feet shall be provided. A clear accessway of at least five feet in width shall be provided from each egress point from the building to said alley.~~

~~705.4.7. Special provisions for shopping center out parcels: Special provisions for shopping center outparcels. Shopping center outparcels shall comply with requirement in B2, Neighborhood Business district. No more than 30 percent of the frontage of any shopping center may be obstructed by out parcel development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. However, where an out parcel has been subdivided from the parent shopping center tract in accordance with the provisions of the Land Development Code, no more than 30 percent of the frontage of the outparcel shall be permitted to be obstructed by development consisting of walls, buildings or other visual obstruction except for landscaping materials and signs less than three feet in height. No out parcel building shall be located closer than 70 feet at the closest point or by the height of the higher of the two buildings to any other out parcel building, whichever is greater.~~

Section 5: That sections 706.1 and 706.3 of the Land Development Code of the City Code of the City of Miramar, Florida, are hereby amended to read as follows*:

Sec. 706. - Industrial Zoning Districts. ~~Sec. 706. - Industrial zoning districts.~~

706.1. Industrial Districts. ~~Industrial districts.~~ These industrial districts are intended to provide for light industrial development in conformance with the comprehensive plan and allow for a variety of uses to accommodate the city's industrial and commerce needs. The uses within this district shall be consistent with, but may be more restrictive than, the industrial land use plan category permitted uses. This zoning district may be applied to land designated industrial or regional activity center on the city's land use plan map.

* * *

706.3. Planned Industrial District (PID). ~~Planned industrial district (PID).~~ The following regulations shall apply to the PID district:

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706.3.1. Purpose: ~~Purpose of district:~~ This district is intended to provide a protective zone for campus-like environments that will encourage the development of nonpolluting light industry and compatible uses which support the economic base of the city. The development standards in this district are intended to provide a healthful operating environment for light industry and compatible uses, for the protection of light industry and compatible uses from the encroachment of other uses adverse to the operation of such district, to protect business within the district from the adverse effect of incompatible uses and to reduce to a minimum the impact of the district on surrounding noncommercial land use. The uses within this district shall be consistent with, but may be more restrictive than, the industrial land use plan category permitted uses. This zoning district may be applied to land designated Industrial, Employment Center or Regional Activity Center, ~~industrial, employment center or regional activity center~~ on the city's land use plan map. The minimum area for ~~an~~ a PID zoned property is 40 acres.

706.3.2. Permitted uses: ~~Uses permitted:~~ No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied. All uses shall be conducted entirely within an enclosed building. (The listing of specific uses under the generalized categories is intended to be illustrative rather than inclusive.)

* * *

{706.3.2 continued}

- (i) The following uses shall be limited to ~~ten~~ twenty percent (20%) of the total gross square footage of building area permitted within the overall PID- and subject to the availability of sufficient flexibility as provided by the Comprehensive Plan:
 - Public and private utilities essential to serve principle uses in the district, specifically excluding electric transmission facilities and substations.
 - ~~All uses permitted in ROS district.~~
 - Nursery schools and day care centers.
 - Indoor commercial recreation, such as health clubs, physical fitness centers, soccer, racquetball, handball, and volleyball, when such uses do not conflict with the required parking for and operation of the PID.

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- Retail uses as accessory uses within buildings devoted to a permitted use.
 - Restaurants and cafeterias.
 - Retail uses which serve the PID district (including drugstores, but excluding pharmacies, as these uses are defined in Section 201).
- (j) The following uses if first approved as a conditional use and subject to the availability of sufficient flexibility as provided ~~permitted~~ by the Comprehensive Plan: comprehensive plan
- ~~• Health club and physical fitness center.~~
 - Hotels, motels, and similar lodging subject to the requirements of the B-2 zoning district.
 - Pharmacies and pain management clinics subject to the requirements of Section 713.22.

Section 6: That sections 713.6, 713.10, 713.14, 714.16, 713.19, 713.21, and 713.22 of the Land Development Code of the City Code of the City of Miramar, Florida, are hereby amended to read as follows*:

Sec. 713. - Specific Use Regulations. ~~Sec. 713. - Specific use regulations.~~

The specific conditions set out below shall be applied to each proposed use during conditional use and site plan review.

* * *

713.6. [Reserved] ~~713.6. Child care centers. Child care centers shall be required to provide a designated drop-off and pick-up area which is not part of the permanent parking for the site. All required play areas shall be grassed or mulched. Paved areas shall be not be considered as play areas. Outdoor play areas shall be fenced.~~
[Reserved]

* * *

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713.10. Outdoor Sales. ~~Outdoor sales.~~ All sales, service and storage shall be conducted in a completely enclosed building except where specifically permitted as an approved TUP. No permanent outdoor sales shall be permitted within any public or private right-of-way, required parking or traffic circulation area, fire lane, any landscape area or within a sidewalk, except as specifically permitted as an approved TUP.

* * *

713.14. ~~Restaurants.~~

713.14.1. ~~[Reserved] Sale of alcoholic beverages. Any restaurant which contains a lounge or bar facility where patrons may purchase alcoholic beverages separate from food shall require conditional use approval pursuant to Section 503, Conditional uses.~~

* * *

713.16. Warehouse—Self storage. A warehouse—self storage facility shall not be permitted to contain businesses which require an occupational license for the premises.

* * *

713.19. Fuel service station with mini-market/convenience store.

(a) ~~(1)~~ Location criteria: ~~Location criteria:~~

~~(1)~~ ~~(a)~~ One station is permitted per intersection area, defined as a one-quarter mile radius (measured from the street centerlines) for the following road intersections:

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East-West Roads	North-South Roads
Countyline Road	State Road 7 University Drive
Honey Hill Road	Red Road Flamingo Road
Miramar Parkway	State Road 7 University Drive Douglas Road Palm Avenue Red Road Flamingo Road SW 145 Avenue SW 160 Avenue (Dykes Road) SW 172 Avenue SW 184 Avenue
Pembroke Road	State Road 7 University Drive Douglas Road Palm Avenue Hiatus Road Flamingo Road

(2) (b) Minimum separation distance from a residential property (measured from property line to property line): ~~Minimum separation distance from a residential property (property line to property line):~~ 200 feet. Where the pump service area is screened by the principal building, this distance may be reduced to 150 feet.

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(b) (2) Intensity standards: ~~Intensity standards.~~ Development shall be in accordance with the following standards:

Minimum Gross Lot Area	Permitted Development Intensity		
	Number of Gas Pumps ¹	Maximum Convenience Store Size (gross sq. ft.)	Number of Accessory Uses
1.0 acres—1.499 acres	6	2,500	1
1.5 acres—1.999 acres	<u>8</u> 6	3,500	2
2.0 acres and greater	<u>10</u> 6	<u>5,000</u> 4,000	3

¹ Permitted maximum number of service positions = number of pumps x 2.

(c) (3) Minimum street frontage: ~~Minimum street frontage: 150~~ 200 feet.

(d) (4) Minimum setbacks: ~~Minimum setbacks from street lines:~~

(1) (a) Principal building: 65 feet.

(2) (b) Accessory building: 75 feet.

(3) (c) Gas pumps canopy (required): 50 feet.

(4) Sides and rear: 20 feet.

(e) (5) Hours of operation: ~~Hours of operation.~~ Where the use is located 500 feet or closer to a residential property (measured from property line to property line), the hours of operation shall be limited to 7:00 am to 11:00 pm.

All setbacks shall be measured from the outer property line of the site.

(f) (6) Parcel access from the adjacent rights-of-way: ~~Parcel access from the right-of-way.~~ The following provisions are intended to minimize potential traffic access and circulation conflicts and to facilitate the efficient coordination of traffic flows between the fuel service use, adjacent roads, and adjacent/nearby developments. All access drives must comply with the driveway separation standards of this Code.

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- (1) ~~(a) Facility located on a shopping center outparcel: Facility located on shopping center outparcel.~~ Access ~~Street access~~ shall be provided in accordance with the following hierarchy of alternatives. Where the highest ranked alternative is used (i.e., ~~i.e.,~~ main shopping center drive), it shall be the only access provided. Where the lower ranked alternative is proposed, the applicant must demonstrate why the highest ranked alternative is not feasible.

1. Main shopping center drive.
2. Shared access drive with adjacent outparcel. ~~Where;~~ where the site is adjacent to more than one other outparcel, only one shared access shall be permitted.

Shared internal access drives between the outparcel and other outparcels are encouraged.

- (2) ~~(b) Other locations: Other locations.~~ A maximum of one full access drive (~~for~~ all vehicular turning movements) is permitted. Corner properties may provide a second access drive, provided it is limited to right-turns-only and is located on the street not containing the full access drive.

~~(7) [Reserved.]~~

~~(8) Pump island planting. At both ends of all pump islands, a planter area shall be provided to accommodate a small tree (ten feet maximum) and ground cover (shrubs).~~

(g) ~~(9)~~ Gasoline vent stacks. Vent stacks are to be placed either in the rear half of the property or away from the street and enclosed within a decorative structure or painted an inconspicuous color (CAB approved).

(h) ~~(10) Maintenance stations: [Maintenance stations.]~~ Two Automotive automotive maintenance stations are permitted, ~~limited to~~ including the following items: air hose, water hose, vacuum and charging stations. These stations shall be physically separated from other uses on the site and a minimum of one parking space provided for each station in addition to that required for the other uses.

(i) ~~(11) Accessory use standards:~~ Accessory use standards:

- (1) Automatic car wash

(A) ~~a. Location:~~ The facility shall be located either to the side or rear of the principal building.

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- (B) ~~b-~~ Function: The facility shall be fully automatic, with no employees conducting any related functions or services.
- (C) ~~c-~~ Maximum capacity: ~~Maximum capacity:~~ One vehicle per wash cycle. Vehicular stacking must comply with Section 808.6.
- (D) ~~d-~~ Drainage: The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
- (E) ~~e-~~ Hours of operation: ~~The hours of operation may be no longer same as or less than the principal use, but in no case 24 hours, or exceeding 9:00 pm.~~
- (F) ~~f-~~ Screening of vehicle opening: ~~Screening of vehicle opening:~~ A wall, berm, or similar opaque visual buffer shall be provided for the facility opening when it is oriented toward the streetside of the lot.

(2) Attendant car wash

- (A) ~~a-~~ Location: The facility shall be located either to the side or rear of the principal building and shall be architecturally compatible with the principal building as a permanent structure. Temporary structures shall not be permitted.
- (B) ~~b-~~ Drainage: The facility must have a working oil/sand interceptor to which all drainage from the car wash must flow.
- (C) ~~c-~~ Hours of operation: ~~The hours of operation~~ The hours of operation may be no longer shall be the same as or less than the principal use, but in no case 24 hours, or exceeding 9:00 pm.
- (D) ~~d-~~ Vehicle stacking and parking: ~~Vehicle stacking/parking:~~
 - i. Drive-through facility: as provided for in Section 808.6
 - ii. Non-drive-through facility: Two per service position, separated from access drives and internal drive aisles.
- (E) ~~e-~~ Screening of service area: ~~Screening of service area:~~ A wall, berm, or similar opaque visual buffer shall be provided for the service area when it is oriented toward the streetside of the lot.
- (F) Existing stations that currently have a nonconforming attendant car wash may be permitted to have one via the conditional use process of Section 503.

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(3) Food service (prepared on-site by staff per customer order from a menu)

(A) a. *Function:* Drive-through facilities are prohibited.

(B) b. *Hours of operation:* ~~The hours of operation~~ The hours of operation may be no longer same as or less than the principal use, but in no case 24 hours, or exceeding 11:00 pm.

(C) c. *Number:* A maximum of two food service operations are permitted, which shall count as one accessory use, provided there is sufficient parking no-site.

~~d. Indoor table service (staff receives and delivers food orders at the tables) is prohibited.~~

~~e. Outdoor seating is prohibited.~~

(D) f. *Parking:* Where an indoor and/or outdoor seating area is provided, additional parking shall be provided for the portion of floor area used, based on the parking ratio for a fast food restaurant use.

(4) Oil change/lube facility

(A) a. *Function:* The use shall only be conducted within an enclosed building.

(B) b. *Location:* The facility shall be located either to the side or rear of the principal building.

(C) c. *Screening of vehicle opening:* ~~Screening of vehicle opening.~~ A wall, berm, or similar opaque visual buffer shall be provided for the facility opening when it is oriented toward the streetside of the lot.

(D) d. *Stacking:* ~~Vehicular~~ Vehicle stacking shall be provided at the rate required by this Code for the fuel service.

(E) e. *Hours of operation:* The hours of operation shall be limited to 7:00 a.m.—9:00 p.m.

(F) f. *Function:* Vehicle storage is prohibited.

(G) g. *Function:* Automotive repair is prohibited.

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713.21. Locational requirements for places of public assembly.

- (a) Building size and minimum lot size requirements for freestanding structures housing places of public assembly in nonresidential zones. For all nonresidential zones in which places of public assembly are permitted under the terms of this Code, a minimum of two acres of lot area shall be required for the development of any freestanding place of public assembly.
- (b) Maximum building square footage for attached places of public assembly. Attached places of public assembly shall not be permitted if the total floor area of the attached place of public assembly exceeds 5,000 square feet.
- (c) Places of public assembly located near State Road 7.
 - (1) Attached places of public assembly located within 250 feet of the right-of-way of State Road 7 must be located at least 1,000 feet from any existing or approved attached place of public assembly.
 - (2) Freestanding places of public assembly shall not be permitted on a parcel that is ten acres or larger abutting State Road 7.
- (e) Accessory uses permitted for a place of public assembly. All accessory uses shall be subject to the locational requirements for places of public assembly of this section and the parking calculation requirements of Section 803.3.3 of this Code. The following accessory uses shall be permitted to a place of public assembly if the use is incidental to and serves to support the functions of the public assembly use:
 - (1) Meeting rooms and educational classrooms;
 - (2) Day-care centers; and
 - (3) Offices.
 - (4) Indoor or outdoor recreational facilities incidental to the public assembly use, not used for commercial purposes, of a size appropriate to the scale of the public assembly use.
 - (5) Elementary schools, middle schools, or senior high schools that are not larger than the public assembly use.

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- (f) One place of public assembly shall be permitted per commercial center. Up to one additional place of public assembly may be permitted in a commercial center that is at least 100,000 square feet in size, if the Community & Economic Development Director and City Engineer ~~or designee~~ reviews the applicant's traffic and parking study, and finds that the center has adequate parking and the access points and traffic flow will be sufficient to accommodate the additional place of public assembly.

713.22. Pain management clinics, medical offices and clinics, and pharmacies as defined in Section 201.

- (a) Dispensing by pain management clinics, and medical offices and clinics. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in §§ 893.03, 893.035 or 893.0355, Florida Statutes, by a medical office or clinic, including a pain management clinic, is prohibited, unless such facility is staffed by a dispensing practitioner authorized to dispense controlled substances pursuant to § 465.0276, Florida Statutes, as amended from time to time.
- (b) Conditional use approval required for pain management clinics and pharmacies.
 - (1) All pain management clinics and pharmacies, as defined in Section 201, where permitted by this Code, shall require conditional use approval regardless of the underlying zoning designation.
 - (2) The applicant for a conditional use approval for a pain management clinic or pharmacy shall provide a certified survey to the Community & Economic Development Department, indicating the distance in linear feet between the nearest point of the structure of the proposed pain management clinic or pharmacy, and the nearest point of the structure of any existing pain management clinic or pharmacy.
 - (3) Each pain management clinic and pharmacy location shall be approved through the conditional use approval process separately regardless of whether the pain management clinic or pharmacy is operated under the same business name or management as another pain management clinic or pharmacy.
 - (4) The application for a conditional use for a pain management clinic shall disclose, in detail, the owners and operators of the facility.

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- (5) In addition to the conditional use review criteria contained in Section 503, the consideration of a conditional use approval for a pain management clinic may include consideration of the specific registration criteria for pain management clinics provided in §§ 458.3265 and 459.0137, Florida Statutes, as may be amended from time to time.
- (c) Supplemental requirements for pain management clinics.
- (1) Prior to issuance of a certificate of use in accordance with Section 1202, a pain management clinic shall provide to the Director of Community & Economic Development proof of registration with the Florida Department of Health, as required by §§ 458.3265 and 459.0137, Florida Statutes, as amended.
 - (2) A pain management clinic approved by conditional use shall, at the time of annual renewal of its business tax receipt, update its disclosure of the owners and operators of the facility and the clinic's designated physician in accordance with § 465.022, Florida Statutes. The pain management clinic shall immediately report any change to these disclosures.
 - (3) A pain management clinic shall be limited to the hours of 7:00 a.m. to 9:00 p.m., Monday through Saturday.
 - (4) Pain management clinics shall be prohibited from operating any outdoor seating areas, queues or exterior customer waiting areas. No activities shall be conducted outside of a completely enclosed structure.
- (d) Supplemental requirements for pharmacies, as defined in Section 201. Prior to issuance of a certificate of use in accordance with Section 1202, a pharmacy shall provide to the Director of Community & Economic Development proof of registration with the Florida Department of Health, as required by §§ 458.3265 and 459.0137, Florida Statutes, as amended.
- (e) *Location restrictions:* ~~Location restrictions.~~ Pain management clinics and pharmacies, as defined in Section 201, shall also be subject to the following additional location restrictions:
- (1) No pharmacy shall be permitted to locate within a 1,000 foot radius of any pain management clinic.
 - (2) No pain management clinic shall be permitted to locate within a 1,000 foot radius of any pharmacy, child care center, place of worship or K-12 grade educational facility.

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(3) No pharmacy shall be permitted to locate within a 1,000 foot radius of another pharmacy.

(4) No pain management clinic shall be permitted to locate within a 1,000 foot radius of another pain management clinic.

The distances provided herein shall be measured from the nearest point of the structure of one facility to the nearest point of the structure of the other facility using a straight line. The foregoing location restrictions shall not apply to pharmacies or pain management clinics for which an application for a business tax receipt has been submitted prior to the effective date of this ordinance.

(f) State and federal law: ~~[State and federal law.]~~ All medical offices or clinics, pain management clinics and pharmacies shall be subject to all applicable requirements of state and federal law.

Section 7: That sections 715.1.3.4, 715.1.4.5, 715.1.4.6, 715.1.5.1, 715.1.6.1, 715.1.8.1, 715.2.1.1, 715.3.1, 715.3.3, 715.3.3 A, 715.3.3 B, 715.3.3 C, 715.3.3 D, 715.3.7, 715.4.0 of the Land Development Code of the City Code of the City of Miramar, Florida, are hereby amended to read as follows*:

Sec. 715. - Transit Oriented Corridor District Code. ~~Sec. 715. - Transit Oriented Corridor District Code.~~

* * *

715.1.3.4. Categories of Building function and allocation.

(a) ~~A-~~ It is the intent of this Code that building functions should not be concentrated in a particular area; they should be mixed together in a pedestrian-friendly and compact manner.

(b) ~~B-~~ A TOC Monitoring Report will be established and maintained by the Community & Economic Development Department in order to maintain an accurate measure of the development thresholds within the TOC as indicated in Policy 1.17 of the Future Land Use Element of the Comprehensive Plan.

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715.1.4. Pre-existing conditions.

* * *

715.1.4.5. Where buildings exist on adjacent Lots within a TOCD district, the Community & Economic Development Department Director ~~community development director~~ may require that a proposed building match one or the other of the adjacent ~~S~~ setbacks and heights rather than those provided for the property under the specific provisions of this Code.

715.1.4.6. Existing Parking Areas that provide parking in excess of the requirements of this Code may be reduced in accordance with Section 715.3.1 "Parking."

715.1.5. Administrative approval and variances.

715.1.5.1. There shall be two types of authorized deviations from the requirements of this Code: Administrative Approvals and Variances. The DRC shall have the authority to administratively approve or disapprove a request for an Administrative Approval. Variances shall be subject to review and approval by the Planning and Zoning Board or City Commission, in accordance with the requirements of Section 506 "Variances" of the LDC.

(a) ~~A.~~ An Administrative Approval is a ruling that would permit a practice that is not in strict conformance with a specific provision of this Code, but is determined to be consistent with the goals of the applicable TOC district in accordance with subsection 715.1.5.

(b) ~~B.~~ Deviations from this Code which are authorized for Administrative Approval are as specifically provided in the TOCD Code and shall be reviewed, and approved or denied, by the DRC.

(1) ~~1.~~ Administrative Approvals Involving Deviations From Development Standards. Except for Administrative Approvals from Tables 9A and ~~9B~~ "Specific Function and Use" which shall be considered under the criteria provided in subsection b(2) of this section, the applicant shall demonstrate satisfaction of all of the following criteria:

(A) ~~(a)~~ The strict application of this Code would prohibit site improvements to bring a TOCD development site as close as possible to meeting TOCD Code requirements;

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(B) ~~(b)~~ The need for the proposed waiver of the applicable TOCD standard arises from some condition peculiar to the specific property involved;

(C) ~~(c)~~ The proposed waiver of the applicable TOCD standard would improve the quality and/or safety of the property and will not diminish the use of the property, nor negatively impact surrounding properties and the TOCD area; and

(D) ~~(d)~~ The proposed development meets the requirements of the TOCD Code as nearly as possible under the unique circumstances.

(2) ~~2-~~Administrative Approvals Involving Specific Function And Use Standards. For Administrative Approvals provided in Tables 9A and ~~9B~~. Specific Function and Use, the applicant shall demonstrate that all of the following standards have been met:

(A) ~~(a)~~ The proposed use is appropriate in the area in which it is proposed;

(B) ~~(b)~~ The proposed use will be reasonably compatible with surrounding uses;

(C) ~~(c)~~ The proposed use will not contaminate the Biscayne Aquifer;

(D) ~~(d)~~ Any nuisance or hazardous feature involved is suitably separated and buffered from adjacent uses;

(E) ~~(e)~~ The proposed use will not hinder development of the site or nearby vacant property;

(F) ~~(f)~~ That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community;

(G) ~~(g)~~ The land or building which is involved is adequate for the proposed use; and

(H) ~~(h)~~ The proposed use complies with the Comprehensive Plan.

(I) ~~(i)~~ Drive through facilities shall not have direct ingress or egress to Commercial Streets.

(3) ~~3-~~Applications for Administrative Approval shall be submitted to the Department of Community & Economic Development, and scheduled for review by the DRC.

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(A) ~~(a)~~ A Variance is a ruling on a deviation which is not qualified for consideration as an Administrative Approval in accordance with this subsection. Variances shall be available for relief from development standards provided in this Code, which are not expressly subject to Administrative Approval. Variances shall not be granted to allow the establishment of a use which is not otherwise allowed in a TOCD district. Variances from the TOCD Code shall be processed and reviewed in accordance with Section 506 "Variances" of the LDC.

(B) ~~(b)~~ The request for a Variance shall not subject the entire application to public hearing, but only the specific issue requiring the relief.

715.1.5.2. Site Plan Submittal and Consideration. Site plans for projects within the TOCD area that do not require Variances shall be processed, and approved or denied, by the DRC. The procedure for site plan filing and submittal shall be as provided for in Sections 511.3 through 511.5 of the LDC. However, for applications subject to administrative review by the DRC under this subsection, the DRC shall determine whether the site plan meets the standards of this Code, and the general site plan criteria of Section 511.6 of the LDC. The requirements of Sections 511.7.4 through 511.9 of the LDC shall apply to all site plans approved under this subsection. Site plan approvals may be subject to conditions as approved by the DRC.

* * *

715.1.6. Development incentives.

715.1.6.1. To encourage development and redevelopment within the TOCD in accordance with this Code, the City of Miramar grants the following incentives:

1. ~~A.~~ Site plan applications under the TOCD Code shall be processed administratively by the DRC and CAB in accordance with subsection 715.1.5.
2. ~~B.~~ The City of Miramar has been designated as a "Platinum City" by the Greater Fort Lauderdale Alliance for its permitting excellence process. The purpose of this process is to provide developers with a streamlined, first rate experience when going through the development, permitting, and inspection process.
3. ~~C.~~ The City shall internally coordinate the application development approval process for the placement of underground utilities with the appropriate federal, state, and county agencies for all property within the TOCD.

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4. D. The City shall reduce the planning application fees for site plans and community appearance review by 50% of the established fee rates.
5. E. The City shall exempt applicants for development of residential units from the requirement for land dedication or entering into a park agreement with the City and instead shall allow payment of the established Community Parks Land Dedication impact fees.
6. F. All development in the TOCD shall receive a maximum of 35 percent reduction from the parking standards listed in Section 808 "Off Street Parking and Loading Standards" of the LDC.

* * *

715.1.8. Sustainability standards.

715.1.8.1. Sustainable building practices refers to building and building site design, materials and construction techniques that minimize demand for nonrenewable material and energy resources and water consumption, and minimizes the generation of waste products, pollution, and stormwater runoff.

Sustainable building practices are generally consistent with the techniques used to achieve certification of construction and development through third party sustainable building and development certification programs including the United States Green Building Council ("USGBC") Leadership in Energy and Environmental Design ("LEED"), the Florida Green Building Coalition certification program, and the Florida Green Lodging certification program.

To support sustainable building practices, all buildings and structures within the TOCD shall comply with the following:

1. A. Applicants for development within the TOCD are required to schedule a preliminary development application meeting with the Community & Economic Development Department Director.
2. B. At the preliminary development application meeting, the applicant shall identify the third party green building development standards proposed to be incorporated in the project design and implementation, and provide a copy of the standards to the Community & Economic Development Director ~~community development director~~ for review.

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3. ~~C.~~ Approved third party green building development certification programs shall include but are not limited to the certification standards of the Florida Green Building Coalition, Florida Green Lodging, and LEED. If the standards of a third party certification program other than those listed in this subsection are proposed to be incorporated into the development by the applicant, the Community & Economic Development Director ~~community development director~~ shall review the standards of the rating organization certification program intended to be used by the applicant and notify the applicant if the proposed program and standards are accepted or rejected as adequate standards for certification of sustainable building and development practices.
4. ~~D.~~ Applicants must choose one of the following options for incorporation of sustainable building practices:
- (A) ~~4.~~ Formal application for Third Party Green Building Certification Program Development Rating. The applicant may formally apply for third party certification with a selected third party green building development rating organization approved by the Community & Economic Development Director ~~community development director~~ in accordance with subsection (C), including full compliance with the applicable submittal, application and fee requirements for the selected third party certification; or
- (B) ~~2.~~ Participation in Community & Economic Development Department Sustainability Review Program. As an alternative to formal application for third party organization certification as provided in (D)(1) of this subsection, and as a requirement for those projects that apply for and do not receive certification from a third party organization, the applicant shall list the standards of the approved third party green building certification program which are proposed to be incorporated into the development. The Community & Economic Development Director ~~community development director~~ shall review the building plans and verify their adherence to the third party green building and development standards proposed to be incorporated in the project design and implementation. The applicant shall document compliance with all of the approved third party green building certification program certification criteria on the building plans for the project, to the satisfaction of the Community & Economic Development Director ~~community development director~~.

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5. ~~E.~~ Site development plan submittal requirements for demonstration of compliance with this section shall include the following:

(A) ~~4.~~ Documentation that the applicant has participated in the preliminary development application meeting and has received written notification that all structures within the proposed development shall incorporate sustainable building practices; and

(B) ~~2.~~ For developments seeking formal third party certification with a selected third party green building development rating organization in accordance with (D)(1) of this subsection, a written statement identifying the applicable third party green building and development standards, and demonstrating said third party organization's recognition of the development's compliance with the minimum standards of the third party green building and development standards; or

(C) ~~3.~~ For developments participating in the Community & Economic Development Department Sustainability Review Program in accordance with (D)(2) of this subsection, the applicant shall provide a narrative explanation of how the sustainable building measures are being incorporated in the development, including documentation that the applicant has incorporated sustainable practices according to the City's Community & Economic Development Department Sustainability Review Program.

715.2.1. Building function.

715.2.1.1. Building Function:

* * *

(b) ~~B.~~ Buildings shall conform to the functions listed in Tables 9A ~~and B.~~ Specific Function and Use.

(c) ~~C.~~ Automobile-oriented functions are prohibited in the TOCD Prohibited Functions include:

(1) ~~4.~~ Large Surface Parking Lots;

(2) ~~2.~~ Gas stations;

(3) ~~3.~~ Auto repair;

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(4) ~~4-~~ Car washes;

(5) ~~5-~~ Auto dealers;

(6) ~~6-~~ Self-storage;

(7) ~~7-~~ Equipment storage;

(8) ~~8-~~ "Big Box" warehouses.

(d) ~~D-~~ First Story Commercial Functions shall be permitted.

(e) ~~E-~~ Residential Functions shall be prohibited on the ground floors of Mixed-Use buildings.

(f) ~~F-~~ Drive through facilities shall be permitted only upon an Administrative Approval in accordance with Section 715.1.5.1 B(2) ~~715.15.1~~.

* * *

715.3.1. Parking and density calculations.

715.3.1.1. Allocations and Calculations.

(a) ~~A-~~ All parking allocations must be approved by the DRC.

(b) ~~B-~~ All development in the TOCD shall receive a maximum of 35 percent reduction from the parking standards listed in Section 808 "Off Street Parking and Loading Standards" of the LDC.

715.3.1.2. Payment-in-Lieu of Parking Fund. A Payment-in-Lieu of Parking Fund shall be established by the City to provide funding specifically for parking and related improvements within the TOCD. Payment-in-Lieu of Parking Fees will be collected from all applicants for development and uses within the TOCD that do not provide sufficient on-site parking spaces or Shared Parking spaces to meet the minimum parking requirements of the Code. The Payment-in-Lieu of Parking Fee option for compliance with this subsection shall become effective upon adoption by the City Commission of a Resolution which specifies the amount of the Payment-in-Lieu of Parking Fund Fee.

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- (a) ~~A.~~ Payment-in-Lieu of Parking Fund Fee Calculation. The amount of a payment to the Payment-in-Lieu of Parking Fund shall be calculated per parking space which is required but not provided via on-site parking spaces or Shared Parking spaces. The amount per parking space shall be determined by the average cost to the City for the construction of a parking space in a Parking Structure on a program wide basis within the TOCD, which shall be determined by the Director of Construction & Facilities Management Engineering in coordination with the Community & Economic Development Director ~~community development director~~. The average cost shall include actual costs and fees for land acquisition, design and planning, legal fees, engineering, actual construction, and permit review and inspection.
- (b) ~~B.~~ Payment in Full of Payment-in-Lieu of Parking Fee. For property owners opting to pay in full, or applicants not eligible to provide payment through a Payment in Lieu of Parking Agreement as provided in subsection 715.3.1.2(D), payment of the full amount of the in-lieu fee shall be due prior to the issuance of a building permit for the development, or prior to issuance of a certificate of use for the use for which the payment is required, whichever occurs sooner.
- (c) ~~G.~~ Payment in Lieu of Parking Agreement. In-Lieu of Parking Fee Agreements shall only be made between the City and the owner(s) of the subject property. Applicants for an in-lieu fee which is not paid in full prior to issuance of a building permit, must enter into an In-Lieu of Parking Fee Agreement with the City prior to the issuance of a building permit for the development, or prior to issuance of a certificate of use for the use for which the payment is required, whichever occurs sooner. Such agreement shall be approved by the community development director, and shall be recorded at the property owner's expense in the Public Records of Broward County, Florida. The In-Lieu of Parking Fee Agreement shall provide that the obligations imposed by the agreement constitute a restrictive covenant upon the property, and shall bind successors, heirs and assigns, and shall be released by the City upon payment in full of the amount due under the agreement.

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(d) ~~D.~~ Payment in Lieu of Parking Agreement Term. An In-Lieu of Parking Fee Agreement executed by a property owner applicant in accordance with this subsection shall provide that installment payments shall be made over no longer than a 36 month time period in 3 installments. The first installment shall be at least 50 percent of the total fee due, and shall be paid upon signing the agreement, prior to the issuance of a building permit for the development or a certificate of use, whichever occurs sooner. The second installment shall be in the amount of at least 25 percent of the total fee amount due, and shall be paid no later than the second anniversary date of the execution of the agreement. A third and final payment of 25 percent of the total fee may be authorized by the agreement, and shall be due no later than the third anniversary date of the execution of the agreement. A property owner subject to an In-Lieu of Parking Fee Agreement may make a redemption payment of the remainder of the amount due pursuant to the agreement, at any time prior to the final required payment.

715.3.1.3. On-Site Parking.

- (a) ~~A.~~ All parking lots, garages, and Parking Structures shall be located at the rear of all buildings.
- (b) ~~B.~~ Parking Areas shall be accessed from side and back streets and from adjacent properties. Access to Parking Areas from SR-7 shall be avoided unless no other access is available.
- (c) ~~C.~~ Large Surface Parking Lots shall be visually and functionally segmented into several smaller lots through the use of structures and landscaping. Designs that reduce visibility, especially between Parking Areas and business entrances, shall be discouraged.
- (d) ~~D.~~ Surface Parking Areas shall be obscured from Frontages by a building or Street Screen.
- (e) ~~E.~~ Existing Surface Parking Lots are intended to be reduced, over time, through redevelopment and/or construction of structured parking facilities.
- (f) ~~F.~~ Parking Areas shall not abut street intersections or terminate a street vista. On-street parking shall not be closer than 25 feet to a street intersection, measured from the extended right-of-way lines.

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715.3.1.4. On-Street Parking (Parallel Parking).

- (a) ~~A.~~ On-street parking is not allowed on State Road 7.
- (b) ~~B.~~ On-street parking located adjacent to a building or lot shall count toward fulfilling the parking requirements for that building or function.

715.3.1.5. Shared Parking.

- (a) ~~A.~~ The parking requirements for buildings containing more than one function shall be the total of the amount of parking required for each function.
- (b) ~~B.~~ Shared Parking Areas shall be located no further than one-quarter mile of the building or function utilizing the Shared Parking capacity.
- (c) ~~C.~~ Cross-access easements or similar mechanisms approved by the City Attorney shall be used to provide joint access between Shared Parking Areas.
- (d) ~~D.~~ In a Parking Structure or Garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
- (e) ~~E.~~ Parking Structures shall have Liner Buildings along primary frontages and landscape bufferyards adjacent to residential properties.
- (f) ~~F.~~ Vehicular entrances to parking lots, Parking Garages, and Parking Structures shall be no wider than 24 feet at the Build-to Line.
- (g) ~~G.~~ Pedestrian walkways shall be integrated, to the extent possible, into the interior and/or perimeter landscaping of parking lots; constructed with brick pavers, stamped concrete or a paved or similarly firm surface, at least six feet in width; and separated from vehicular and Parking Areas by grade, Curbing and/or vegetation, except for necessary ramps.
- (h) ~~H.~~ Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a Build-to Line except underground levels which may be exited by pedestrians directly into a building.
- (i) ~~I.~~ Parking facilities and appurtenant driveways shall be designed to maximize the safety and convenience of pedestrians walking between parked cars and business entrances as well as between external points and locations on-site.

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715.3.1.6. Loading and Service Areas.

- (a) ~~A-~~ Loading docks, solid waste facilities, recycling facilities and other service areas shall be located to the rear or side of a building in visually unobtrusive locations.
- (b) ~~B-~~ All trash and recycling service areas shall be enclosed so as not to be visible.
- (c) ~~C-~~ Loading docks and service areas shall be permitted on Frontages only by Administrative Approval.

715.3.1.7. Amenities. A minimum of one bicycle rack place shall be provided within a Pedestrian Zone for every ten vehicular parking spaces required by this Code within the Mixed-Use High and Mixed-Use Low districts.

* * *

715.3.3. Landscape standards. Development within the TOCD shall be ~~governed by~~ exempt from full compliance with the landscape standards of Chapter 9 Landscaping Requirements and Tree Conservation of the LDC, and ~~governed by~~ Table 4. Public Planting. Specifically, sites shall incorporate the design intent of the standards, but do not have to meet the particular planting requirements for accessways (Section 901.5), street trees (Section 901.6, other than noted in this section), pedestrian landscape zone (Section 901.4.1) and bufferyard width requirements (Section 905 Table 3). If building setbacks of a minimum of 8 feet in width are achievable for perimeters other than the primary frontage (which typically is provided with a pedestrian zone including a street scape pattern described in Section 715.3.2 above), then bufferyard planting requirements shall apply. Building setbacks less than 8 feet in width shall not require shade trees. Trees and landscape shall be required for streets, medians, squares, plazas, and private property in accordance with the following:

715.3.3 A Street Trees: Street trees shall be placed at a maximum average spacing of thirty-five (35) feet on center. Street trees shall have a minimum caliper of three inches and a minimum clear trunk height of eight feet at the time of planting. Palms require a maximum average spacing of twenty-five (25) feet. Street trees shall be planted in one or more of the following methods of installation:

(a) Tree Grates: Trees shall be planted within openings in the sidewalk, which shall be covered by permanently installed gates perforated to permit natural irrigation and flush and shall be flush with the surrounding sidewalk.

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(b) Tree Planters: Trees are planted within a raised planter located on the sidewalk, shall be defined on all sides by a permanent masonry structure to consist of a minimum six inch raised curb. The area within the planter, in addition to the required trees, shall be planted with ground cover, shrubs and other appropriate plant material.

(c) Continuous Planting Strips: Trees are planted in the area between the curb or roadway edge and the sidewalk and shall include grass and ground cover. This option is not permitted along frontages where the ground story of buildings is occupied by storefronts. Street trees shall not be required where colonnades are provided and the swale area is less than eight feet in width; however, if at least 5 feet are provided, then planters and trellises may be substituted.

715.3.3 B Median Trees: Median trees shall have a minimum caliper of three inches and a minimum clear trunk height of eight feet at the time of planting, and shall provide 100% canopy coverage within two years of installation.

715.3.3 C Plot Requirements: 15 trees per net acre of lot area with a minimum three inches of caliper and eight feet of clear trunk height at time of planting.

715.3.3 D At-Grade Parking Lots: Parking areas not covered by a parking structure shall meet the landscaping requirements of Section 901.8.

All landscaped areas shall be continuously maintained in a good, healthy condition and sprinkler systems of sufficient size and spacing shall be installed to serve all required landscape areas, consistent with Section 901.14 Maintenance Requirements.

* * *

715.3.7. Special District 3 (Community Facility).

715.3.7.1. Location. Special District 3 (Community Facility) classifications shall be as depicted on the Regulating Plan.

715.3.7.2. Intent and Purpose. The Special District 3 (Community Facility) designation within the TOCD area is intended for those uses of institutional character such as places of worship, government and cultural buildings, public facilities, hospitals and parks and other facilities which generally benefit the community.

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715.3.7.3. Development Standards.

- (a) ~~A-~~ Maximum height: No building or structure, or part thereof shall be erected to a height exceeding 5 stories ~~or 60 feet, whichever is less.~~
- (b) ~~B-~~ Minimum lot area and width: Every plot upon which a structure is hereafter erected shall have a minimum lot size of 20,000 square feet in area and a Lot Width of not less than 100 feet.
- (c) ~~C-~~ Front yards: Every plot upon which a structure is hereafter erected shall have a minimum front yard as follows:
- (1) ~~1-~~ 25 feet in depth.
- 2- ~~Adjacent to any trafficway depicted on the Broward County Trafficways Plan, as amended from time to time, 75 feet in depth.~~
- 3 ~~(2)-~~ No Parking Areas shall be located within 20 feet of any residentially ~~Residentially~~ zoned property or within 5 feet of any street line.
- (d) ~~D-~~ Side yards: Every plot upon which a structure is hereafter erected shall have a minimum side yard of 25 feet.
- (e) ~~E-~~ Rear yards: Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 20 feet.
- (f) ~~F-~~ Functions permitted: No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses:
- (1) ~~1-~~ Parks.
- (2) ~~2-~~ Places of public assembly.
- (3) ~~3-~~ Libraries.
- (4) ~~4-~~ Cultural, Civic and community centers.
- (5) ~~5-~~ Municipal government, administration, services and maintenance facilities.
- (6) ~~6-~~ Police and fire protection facilities.
- (7) ~~7-~~ Uses generally accessory to the above principal uses.
- (8) ~~8-~~ The following uses if first approved by Administrative Approval:
- (A) ~~(1)-~~ Governmentally sponsored or subsidized Residential/care facilities for the aged and/or handicapped, nursing homes, convalescent homes, and congregate care facilities.

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(B) ~~(2)~~ Hospitals and clinics.

(C) ~~(3)~~ Non-municipal governmental buildings.

(D) ~~(4)~~ Private fraternal, Civic, charitable, professional or educational non-profit organizations.

715.4.0. Graphics and tables.

A Transit Oriented Corridor is generally characterized as a developed environment within a quarter-mile of a public transit system, with building characteristics and public amenities that promote the safe movement of pedestrians.

The City of Miramar's Transit Oriented Corridor is located in historic Miramar. It is bound to the north by Pembroke Road, the east by State Road 7, the south by Countyline Road, and the west by SW 64th, SW 61st and SW 66th Avenues.

Miramar's Transit Oriented Corridor District Code (TOCD Code) is modeled after the SmartCode which is a form-based code, specifically created to facilitate mixed-use development, with access to transit stations or stops along existing and planned high performance transit service corridors.

The TOCD Code also encourages commercial functions that include shop-fronts at street level, with residential units and office space above, wide pedestrian-friendly and multimodal sidewalks, rear on-site parking, and possibly public parking facilities.

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City of Miramar

RS

RM

SD1 ML

MH

Building Placement and Character

The DRC may vary the requirements or allow an additional story as described below provided that the intent of the TOC is being satisfied.

Lot Requirements	RS	RM	ML	MH	SD1
Lot Width	70 ft. min.	70 ft. min.	100 ft. min.	100 ft. min.	100 ft. min.
Building Requirements					
Lot Coverage	50% max.	50% max.	80% max.	80% max.	80% max.
Principal Building	50% max. min. N/A	80% max. 70% min.	80% max. 70% min.	80% 70% min.	80% 70% min.
Frontage (% of building at					
Secondary Frontage	50% max.	50% max.	50% min.	50% min.	50% min.
Setbacks Minimum					
Principal Front	25 ft. max. 20 ft.	25 ft. max. 20 ft. N/A	20 ft. max. N/A	20 ft. max. N/A	20 ft. max. N/A
Side Street	12 ft. max. 15 ft. min.	15 ft. max. min. N/A	20 ft. max. N/A	20 ft. max. N/A	20 ft. max. N/A
Side (interior)	12 ft. max. 5 ft. min.	15 ft. max. 5 ft. min.	24 ft. max. 5 ft. min.	15 ft. 5 ft. min.	15 ft. 5 ft. min.
Rear	25 ft. min.	10 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.
Rear (Water)	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.
Corner	15 ft. min.	15 ft. min.	20 ft. max.	20 ft. max.	20 ft. max.

Build-to-Lines and Pedestrian Zones (Front and Side streets)

*Primary Streets	front setback N/A	front setback 10 ft. max.	20 ft. max.	20 ft. max.	20 ft. max.
Secondary Streets	side setback N/A	side setback 15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.
All other streets	front setback N/A	front setback 15 ft. max.	15 ft. max.	15 ft. max.	15 ft. max.

Area between building and right of way shall include a minimum five foot sidewalk and landscaping.

*Zero feet if a Colonnade is provided.

Height

Min	1 story min.	1 story min.	2 stories min.	3 stories min.	2 story min.*
	15 ft. min.	15 ft. min.	25 ft. min.	35 ft. min.	25 ft. min.
Max	2 stories max.	3 stories max.	4 stories max.	6 stories max.	6 stories max.*
	25 ft. max.	35 ft. max.	60 ft. max.	80 ft. max.	80 ft. max.

* If a public open space or plaza is provided, a development site may be eligible for a one story increase in the maximum heights shown above.

Site design and size of the public space shall be the primary criteria for allowing an additional story.

*2-6 Story with some variation, 3-6 Story on SR7, 1-2 Story on SW 60th Way

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TABLE 9A. SPECIFIC FUNCTION AND USE					
• = Permitted Blank = Not Permitted		• = By Administrative Approval • = Conditional Use Approval per § 503.4 LDC			
	RS	RM	ML	MH	SD1
a. RESIDENTIAL					
Accessory Unit	•	•	•	•	•
Apartment Building		•	•	•	•
Duplex House		•			
Single Family Residence	•	•			
Live/Work Unit	•	•	•	•	•
Mixed Use Building			•	•	•
K-12 School	•	•			
b. LODGING/HOTEL					
Bed & Breakfast		•	•		
Hotel			•	•	
Inn		•	•	•	•
c. OFFICE					
Business and Professional			•	•	•
Medical/Dental			•	•	•
Office Building			•	•	•
Work-Live	•	•	•	•	•
d. COMMERCIAL					
Banks, Financial Institutions			•	•	•
Display Gallery			•	•	•
Entertainment			•	•	•
Kiosk			•	•	•
Liquor Selling Establishment			•	•	•
Open-Air Market			•	•	•
Personal Service			•	•	•
Push Cart			•	•	•
Restaurant			•	•	•
Commercial Use with Drive Through Facility			•	•	•

Retail Building/Store			•	•	•
Childcare Center/School			•	•	•
Funeral Home/Mortuary			•	•	•
e. CIVIC					
Bus Shelter	•	•	•	•	•
Convention Center			•	•	
Conference Center			•	•	•
Exhibition Center			•	•	•
Fountain or Public Art	•	•	•	•	•
Library			•	•	•
Live Theater			•	•	•
Movie Theater			•	•	•
Museum			•	•	•
Outdoor Auditorium			•	•	•
Parking Structure		<u>•</u>	<u>•</u>	•	•
Passenger Terminal				•	
Playground	•	•	•	•	•
Sports Stadium					
Surface Parking Lot			•	•	•
Religious Assembly	•	•	•	•	•
Fire Station	•	•	•	•	•
Police Station	•	•	•	•	•
f. OTHER: EDUCATION					
College			•	•	
Trade School			•	•	•

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Section 8: That sections 809.9, 809.13, 809.17, and 809.18 of the Land Development Code of the City Code of the City of Miramar, Florida, are hereby amended to read as follows*:

* * * * *

809.9. Gazebos and Pergolas. Gazebos shall be permitted in all residential districts, subject to the following:

- (a) Gazebos and pergolas ~~No gazebos~~ shall not be permitted within the required front yard area, or within utility, drainage, landscape bufferyard or access easements.
- (b) Gazebos and pergolas must be set back at least six feet from the side and rear lot lines.
- (c) ~~Gazebos~~ No gazebo shall have a maximum area (footprint) ~~larger than~~ of 150 square feet per 5,000 square feet of lot area. Pergolas for properties less than a ¼ acre shall be limited to 250 square feet; properties greater than ¼ acre up to 2 acres may have up to 500 square feet; and properties greater than 2 acres may have a pergola up to 1,000 square feet.

* * * * *

809.13. Utility sheds. Utility sheds shall be permitted in all residential districts, subject to the following:

- (a) Number: ~~Number of sheds permitted: No more than a maximum of~~ one utility shed shall be permitted for each parcel or lot, except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, a maximum of two ~~sheds~~ shall be permitted.
- (b) Location: ~~No utility shed shall~~ Shall not be permitted in any required front or side yard area or within utility, drainage landscape bufferyard or access easements.

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(c) Size and height: The maximum area ~~dimensions of a utility shed~~ shall be no more than 100 square feet in footprint and eight ~~six and one-half~~ feet in height, except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, up to 240 square feet of total combined footprint area (e.g., one 240 square foot shed or two 120-square-foot sheds), and ten feet in height are permitted.

(d) Setbacks: Rear and side setbacks for utility sheds on single-family and duplex lots shall be a minimum of three feet from the lot lines as long as they are not within any easements; except that on lots or parcels located within the Rural (RL), Suburban Estate (E), and Estate (RS1) zoning districts, utility sheds that exceed 100 square feet in area and/or ten ~~six and one-half~~ feet in height; must maintain a minimum 25-foot side and rear setback.

(e) Except for lots containing single-family and duplex residences, which are subject to paragraph (d) above, utility sheds within RM multi-family districts are subject to the setback and landscape bufferyard requirements of the zoning district and to Community Appearance Board (CAB) approval. Metal is prohibited.

(f) Utility sheds are to be used for storage only. No plumbing connections are permitted.

(g) Use of utility sheds for residential purposes is strictly prohibited.

* * * * *

809.17. Patios on single-family, ~~and duplex~~ and fee-simple multi-family lots; setback requirements and provision of on-site drainage.

(a) Side setback: Same as required structure setback; however patios on attached multi-family units must maintain at least a 2 foot side setback.

(b) Rear setback: Five feet and outside of any dedicated easements.

* Additions to existing text are shown in **underlined text**; deletions are shown in **~~strikethrough text~~**; and changes between first and second reading are shown in highlighted text.

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(c) *Drainage provision.* Rainwater runoff must be maintained on the property. Rainwater shall not be allowed to flow onto or across any adjoining property or sidewalk, either public or private. Exception: Rainwater may flow into a street gutter, storm sewer, or storm sewer catch basin if first approved by the engineering department.

* * * * *

809.18. *Walkways on single-family, ~~and duplex~~ and multi-family lots; setback requirements and provision of on-site drainage.*

(a) *Setback requirement.* All walkways or sidewalks within single-family and duplex and multi-family lots shall be set back a minimum of two feet from the side or rear property line.

(b) *Drainage provision.* Water runoff must be maintained on the property. Rainwater shall not be allowed to flow onto or across any adjoining property or sidewalk, either public or private. Exception: Rainwater may flow into a street gutter, storm sewer, or storm sewer catch basin, if first approved by the City Engineer ~~engineering department~~.

* Additions to existing text are shown in underlined text; deletions are shown in ~~strikethrough text~~; and changes between first and second reading are shown in highlighted text.

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Section 9: Severability: That should any section or provision of this Ordinance, or any paragraph, section or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 10: Intent; Inclusion in Land Development Code: 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 part of the Land Development Code of the City of Miramar, and that the city-approved codifiers of this Ordinance may renumber or re-letter provisions of this Ordinance, and the word "Ordinance" may be changed to "Chapter", "Section", "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 11: 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 (* * *) indicates 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 this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

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Section 12: Effective Date: That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Darline B. Riggs

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.

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne
Vice Mayor Darline B. Riggs
Mayor Wayne M. Messam

Voted

Ord. No. _____

Municipality	Hotel Code Requirements
Miramar	<p>Conditional Use application required <i>Conditional use</i> shall mean uses which may be allowed under certain circumstances in a particular zoning district after review and approval by the city commission.</p> <p>In addition to a City Commission Hearing, the minimum code requirements list below must be satisfied:</p> <ol style="list-style-type: none"> 1. Minimum plot area shall be two acres. 2. Any outdoor recreation areas including swimming pools shall be located at least 25 feet from the plot line of any adjacent residentially zoned property unless the adjacent property is being utilized for business related parking. 3. The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 350 square feet. 4. The following amenities shall be included as part of any hotel or motel or time share unit: <ol style="list-style-type: none"> a. Interior corridors or hallways leading to and from rooms except emergency exits. No "catwalk" exterior hallways. b. An office or lobby containing a registration desk that is staffed by at least one hotel/motel employee 24 hours a day, and that is located in an area where the path between entrances/exits and guest room corridors and public elevators is visible to the employee. c. Meeting or conference room(s) that will seat at least 350 people at tables. d. A swimming pool of a minimum surface area of 1,250 square feet. e. An ancillary full service restaurant serving breakfast, lunch, and dinner seven days a week shall be located within the primary building and shall seat a minimum of 100 people. Any lounge facility may be permitted as accessory to the any full service restaurant, and, as a permitted accessory use, shall be exempt from the provisions of Land Development Code Section 713.3, requirement to obtain separate Conditional Use approval and distance requirements for sale of alcoholic beverages. f. Central air conditioning shall be provided for the entire building, including all individual rooms or suites (no through-the-wall air-conditioning units are permitted). g. The minimum number of rental sleeping rooms shall be 250 rooms.

Municipality	Hotel Code Requirements
Sunrise	<p>(4) <i>Hotels and motels:</i> The following amenities shall be included as part of any hotel or motel:</p> <ul style="list-style-type: none"> a. Interior corridors or hallways leading to and from rooms except emergency exits. No "catwalk" exterior hallways. b. An office or lobby containing a registration desk that is staffed by at least one (1) hotel/motel employee twenty-four (24) hours a day, and that is located in an area where the path between entrances/exits and quest room corridors and public elevators is visible to the employee. c. Meeting or conference room(s) that will seat at least three hundred fifty (350) people at tables as provided in the South Florida Building Code. A minimum seating capacity of one hundred seventy-five (175) persons per room must be provided to meet this requirement. d. A swimming pool of a minimum surface area of one thousand two hundred fifty (1,250) square feet. e. An ancillary full service restaurant serving breakfast, lunch, and dinner seven (7) days a week shall be located within the primary building and shall seat a minimum of one hundred (100) people. f. Central air conditioning shall be provided for the entire building, including all individual rooms or suites (no through-the-wall air conditioner units are permitted.) g. A bar/lounge facility shall be provided with a minimum seating capacity of fifty (50) seats. h. The minimum floor area of each rental sleeping room shall be three hundred fifty (350) square feet. i. The minimum number of rental hotel units shall be two hundred fifty (250). A hotel unit shall be a habitable unit used or intended to be used for sleeping but not for cooking or eating. A multi-room hotel suite shall only count as one (1) hotel unit. <p>The foregoing requirements may be satisfied where two (2) hotel or motel establishments, each of which may include less than the number of hotel units required by "i" of this subsection, are connected to one another and provide combined or shared operations, facilities, and amenities which otherwise satisfy the requirements of this section. All hotel units and interior amenities shall be provided in the same building. The combined total number of hotel units shall be a minimum of three hundred fifty (350).</p>

Municipality	Hotel Code Requirements
Coral Gables	<p>Commercial Limited District – Conditional Use</p> <p>12. Overnight accommodations. Maximum of (8) rooms when adjacent to a Single Family zoning district or Multi-family 1 district.</p> <p>Commercial and Industrial District – Permitted Use</p> <p>21. Overnight accommodations</p>
Boca Raton	<p>Sec. 28-743. - Conditional Use</p> <p>Conditional use approval may be requested by the owner of the property in R-B-1 districts for the following uses in accordance with Division 4 of Article II:</p> <p>(a)</p> <p>Hotels, motels, tourist homes.</p>
Fort Lauderdale	<p>B-2 District - Permitted Use</p> <p>Sec. 47-18.16. – Hotel Definition</p> <p>A. Hotel: A hotel is a building or establishment operated or intended as a place where sleeping accommodations are provided for pay for overnight guests, as licensed by the state, and containing a central switchboard and providing daily room cleaning service.</p> <p>B. Hotel shall also include, but not be limited to motels, hotel suites with ten (10) or more sleeping rooms.</p> <p>C. Hotel sleeping rooms shall be a minimum of one hundred twenty (120) square feet in gross floor area exclusive of bathrooms, toilets, closets or similar appurtenances. Hotel suites containing kitchen or cooking facilities shall be a minimum of four hundred fifty (450) square feet in area only when located in a residential zoning district.</p>

Municipality	Hotel Code Requirements
	D. Hotel accessory uses are permitted as provided in Section 47-19.8 .
Pembroke Pines	B-2 District – Permitted Use Hotel and motel
Coral Springs	B-2 District – Permitted Use (13) Hotels and motels and time share units, subject to the following: <ul style="list-style-type: none"> (a) The minimum plot area shall be two (2) acres. (b) Any outdoor recreation areas including swimming pools shall be located at least twenty-five (25) feet from the plot line of any adjacent residentially zoned property unless the adjacent property is being utilized for business related parking. (c) The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be three hundred (300) square feet.
Miami Gardens	Hotels – Permitted Use

Hotels Constructed 2010 - 2015

90 SW 18th Ave - Hyatt House



Location: Hyatt House
Fort Lauderdale Cluster
Fort Lauderdale Submarket
Broward County
Dania Beach, FL 33004

Building Type: Hospitality/Hotel

Status: Built 2010

Stories: -

RBA: 39,413 SF

Typical Floor: 15,971 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: OTO Development

Management: -

Recorded Owner: BRE Polygon Property Owner, LLC

Expenses: 2014 Tax @ \$4.02/sf

Parcel Number: 50-42-33-AC-0020

Amenities: 24 Hour Availability, Air Conditioning, Business Center, Fitness Center, Pool, Restaurant, Shuttle Service, Vending Machines

455 SE 24th St - Crowne Plaza



Location: Crowne Plaza
 Downtown Fort Lauderdale Cluster
 Downtown Fort Lauderdale Submarket
 Broward County
 Fort Lauderdale, FL 33316

Building Type: Hospitality/Hotel

Status: Built 2010

Stories: 14

RBA: 230,244 SF

Typical Floor: 16,446 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
 Management: Luckey's Management, Inc.
 Recorded Owner: FII Hotels Inc

Expenses: 2008 Tax @ \$0.05/sf
 Parcel Number: 50-42-15-01-7950
 Amenities: Pool

1650 SW 145th Ave



Location: Southwest Broward Cluster
Southwest Broward Submarket
Broward County
Hollywood, FL 33027

Building Type: Hospitality/Hotel

Status: Built Apr 2015

Stories: 5

RBA: 178,900 SF

Typical Floor: 31,487 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
Management: -
Recorded Owner: Spg Hotels LLC

Expenses: 2014 Tax @ \$0.15/sf
Parcel Number: 51-40-22-09-0010

4801 Anglers Ave - Residence Inn by Marriott



Location: Residence Inn by Marriott
 Fort Lauderdale Cluster
 Fort Lauderdale Submarket
 Broward County
 Dania Beach, FL 33004

Building Type: Hospitality/Hotel

Status: Built Nov 2014

Stories: 3

RBA: 72,500 SF

Typical Floor: 21,267 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
 Management: Larry Blumberg & Associates, Inc
 Recorded Owner: -

Expenses: 2011 Tax @ \$0.45/sf
 Parcel Number: 50-42-32-55-0010
 Amenities: Bus Line, Fitness Center, Pool

205 N Federal Hwy



Location: Fort Lauderdale Cluster
Fort Lauderdale Submarket
Broward County
Dania, FL 33004

Building Type: Hospitality/Hotel

Status: Built Sep 2013

Stories: 5

RBA: 78,615 SF

Typical Floor: 15,723 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -

Management: -

Recorded Owner: Luckeys Motel Inc

Expenses: 2012 Tax @ \$0.15/sf

Parcel Number: 50-42-34-01-0100

Parking: 80 free Covered Spaces are available; Ratio of 1.02/1,000 SF

Amenities: Bus Line

2600 E Hallandale Beach Blvd - Beachwalk Resort



Location: Beachwalk Resort
Hallandale Cluster
Hallandale Submarket
Broward County
Hallandale Beach, FL 33009

Building Type: Hospitality/Hotel

Status: Built Apr 2015

Stories: 30

RBA: 426,930 SF

Typical Floor: 38,486 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
Management: Related - Beachwalk Resort
Recorded Owner: Prh-2600 Hallandale Beach LLC

Expenses: 2012 Tax @ \$0.10/sf
Parcel Number: 51-42-26-12-0010
Parking: Free Covered Spaces
Amenities: 24 Hour Availability, Air Conditioning, Concierge, Fitness Center, Pool, Spa, Waterfront

Building Notes

Combined 300 condo and condo-hotel units

1200 N Ocean Blvd



Location: Pompano Beach Cluster
 Pompano Beach Submarket
 Broward County
 Pompano Beach, FL 33062

Building Type: Hospitality/Hotel

Status: Built Sep 2013

Stories: 8

RBA: 260,648 SF

Typical Floor: 32,581 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
 Management: -
 Recorded Owner: Uh-Pompano Llc

Expenses: 2012 Tax @ \$0.88/sf
 Parcel Number: 48-43-30-01-1410
 Parking: 200 free Covered Spaces are available
 Amenities: Bus Line, Courtyard, Fitness Center, Pool, Restaurant, Waterfront

1111 N Ocean Dr - Margaritaville Hollywood Beach Resort



Location: Margaritaville Hollywood Beach Resort
Hollywood Cluster
Hollywood Submarket
Broward County
Hollywood, FL 33019

Building Type: Hospitality/Hotel

Status: Built Oct 2015

Stories: 7

RBA: 414,267 SF

Typical Floor: 30,322 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
Management: -
Recorded Owner: -

Parcel Number: 51-42-13-08-0010

Parking: Free Covered Spaces

Amenities: Bus Line, Fitness Center, Pool, Restaurant, Waterfront

5700 Reese Rd - Value Place



Location: Value Place
 SW/C
 Fort Lauderdale Cluster
 Fort Lauderdale Submarket
 Broward County
 Davie, FL 33314

Building Type: Hospitality/Hotel

Status: Built Apr 2015

Stories: 4

RBA: 50,000 SF

Typical Floor: 11,000 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -

Management: -

Recorded Owner: Value Place Ft Lauderdale FI W

Expenses: 2014 Tax @ \$0.36/sf

Parcel Number: 50-41-23-12-0020

Parking: 120 free Surface Spaces are available; Ratio of 1.00/1,000 SF

5740 N State Road 7 - Hampton Inn & Suites



Location: Hampton Inn & Suites
 AKA 5740 N Us-441
 Pompano Beach Cluster
 Pompano Beach Submarket
 Broward County
 Pompano Beach, FL 33073

Building Type: Hospitality/Hotel

Status: Built Jul 2014

Stories: 5

RBA: 185,430 SF

Typical Floor: 23,201 SF

Total Avail: No Spaces Currently Available

% Leased: 0%

Developer: -
 Management: -
 Recorded Owner: Daniel E Lambert Trust

Parcel Number: 48-42-07-18-0010

Amenities: Bus Line, Business Center, Fitness Center, Freeway Visibility, Pool