

Temp. Ord. No. 1818  
8/28/23  
9/27/23

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. 24-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING PORTIONS OF THE LAND DEVELOPMENT CODE; CREATING A NEW SUBSECTION REGARDING ACCESSORY USES AND STANDARDS; REPEALING SECTION 809, ACCESSORY USES AND STANDARDS; REPEALING TABLE 402-5 ACCESSORY USES — RESIDENTIAL DISTRICTS, WITHIN SECTION 402 RESIDENTIAL ZONING DISTRICTS, WITHIN CHAPTER 4 ZONING; AMENDING SECTION 808, OFF-STREET PARKING AND LOADING STANDARDS, CREATING NEW SECTION 505, ACCESSORY USES AND STANDARDS; REVISING CHAPTER 2, DEFINITIONS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miramar, the "City," a Municipal Corporation of the State of Florida, desires to update the entire Land Development Code ("LDC") in a phased manner with the intent to: promote form-based urban design and incorporate Smart Growth principles; embrace standards and uses that enhance the City's economic development, as well as redevelopment and infill development opportunities; eliminate and minimize conflicts; minimize the need for variances; and incorporate user-friendly language, graphics and tables to enhance readability and usability; and

Ord. No. 24-02

Temp. Ord. No. 1818  
8/28/23  
9/27/23

**WHEREAS**, this phase of LDC revision repeals Table 402-5 “ACCESSORY USES—RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts,” within Chapter 4 “Zoning;” and

**WHEREAS**, this phase of LDC revision modifies Chapter 2, entitled “Definitions,” providing for new definitions; and

**WHEREAS**, this phase of LDC revision amends Section 808, entitled “Off-Street Parking and Loading Standards;” and

**WHEREAS**, the City has recognized the need to update its LDC to better address accessory use standards; and

**WHEREAS**, the current accessory use standards that are set forth in Chapter 8 Section 809 of the LDC, has become difficult to interpret; and

**WHEREAS**, the City desires to simplify and streamline the interpretation of the code by creating a new section in the LDC, Section 505, which will include a table outlining the new accessory use standards; and

**WHEREAS**, the City has undertaken a comprehensive process of research and analysis in order to identify the current development patterns throughout the City with respect to accessory uses; and

Temp. Ord. No. 1818  
8/28/23  
9/27/23

**WHEREAS**, City staff has devoted considerable time and effort to gathering data and conducting analysis on the use of accessory structures and other uses within the City, including reviewing select photographs from Broward County Property Appraiser aerial imagery taken between 2006-2023 to better understand existing conditions, conducting site visits and engaging with stakeholders to better understand the needs and concerns of the community; and

**WHEREAS**, City staff has also researched and analyzed the development patterns and regulations as they pertain to accessory uses within surrounding cities in order to identify best practices and incorporate those practices into the new accessory use standards; and

**WHEREAS**, City staff has utilized resources including building permit applications, variance applications, and accessory use request submitted to the City in order to identify appropriate bulk regulations and additional standards for accessory uses moving forward; and

**WHEREAS**, the City Manager recommends repealing Section 809, "Accessory Uses and Standards" in its entirety (attached hereto as Exhibit "A"); amending Chapter 2 "Definitions" (attached hereto as Exhibit "B"); amending Section 505 "Accessory Uses and Standards" (attached hereto as Exhibit "C"); and creating Table 505-1 "Accessory Use" (attached hereto as Exhibit "D") repealing Table 402-5 "ACCESSORY USES—

Temp. Ord. No. 1818  
8/28/23  
9/27/23

RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning” in its entirety (attached hereto as Exhibit “E”); amending Section 808 “Off-Street Parking and Loading Standards” (attached hereto as Exhibit “F”); as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the City’s Comprehensive Plan and consistent with Section 163.3194, Florida Statutes, and Section 302.7(2) of the LDC, finds that this Ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the Planning and Zoning Board has found that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.6 of the LDC, the City Commission has reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, and considered the recommendation of the Planning and Zoning Board; and

Temp. Ord. No. 1818  
8/28/23  
9/27/23

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan; and

**WHEREAS**, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment furthers the orderly development of the City by assuring development consistent with the Comprehensive Plan; and

**WHEREAS**, the City Commission hereby adopts the findings of the Planning and Zoning Board; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to repealing Section 809, “Accessory Uses and Standards” in its entirety, amending Section 505 “Accessory Uses and Standards”; amending Chapter 2 “Definitions”; repealing Table 402-5 “ACCESSORY USES—RESIDENTIAL DISTRICTS” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning”; creating Table 505-1 “Accessory Use”; and amending Section 808 “Off-Street Parking and Loading Standards” as shown herein, to update and clarify certain regulatory requirements and procedures of the LDC.

Temp. Ord. No. 1818  
8/28/23  
9/20/23

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

**Section 1:** Recitals. 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 809 of the Land Development Code of The City of Miramar, Florida, is hereby repealed to read as follows:

See Exhibit “A” attached hereto is hereby incorporated herein by this reference.

**Section 3:** That Chapter 2 of the Land Development Code of The City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “B” attached hereto is hereby incorporated herein by this reference.

**Section 4:** That Section 505 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit “C” attached hereto is hereby incorporated herein by this reference.

**Section 5:** That Table 505-1 of the Land Development Code of the City of Miramar, Florida, is hereby created to read as follows:

See Exhibit “D” attached hereto is hereby incorporated herein by this reference.

**Section 6:** That Table 402-5 “**ACCESSORY USES—RESIDENTIAL DISTRICTS**” within Section 402 “Residential Zoning Districts”, within Chapter 4 “Zoning” of the Land Development Code of The City of Miramar, Florida, is hereby repealed to read as follows:

See Exhibit “E” attached hereto is hereby incorporated herein by this reference.

Temp. Ord. No. 1818  
8/28/23  
9/27/23

**Section 7:** That Section 808 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

See Exhibit "F" attached hereto is hereby incorporated herein by this reference.

**Section 8:** Each and every section and subsection of the City of Miramar Land Development Code not revised herein shall remain in full force and effect as previously adopted.

**Section 9: Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

**Section 10: Interpretation.** It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\* \* \*) indicate a deletion from the

Temp. Ord. No. 1818  
8/28/23  
9/27/23

Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance. Amendments made to the Ordinance on second reading are highlighted.

**Section 11: Officials Authorized to Take Action.** The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

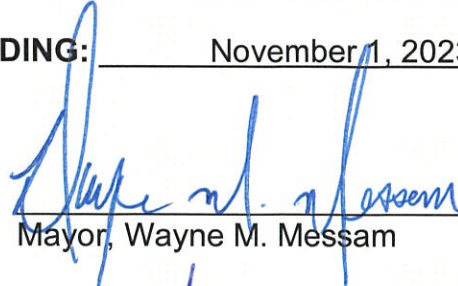


Temp. Ord. No. 1818  
8/28/23  
9/27/23

**Section 12: Effective Date.** This Ordinance shall become effective immediately upon adoption.

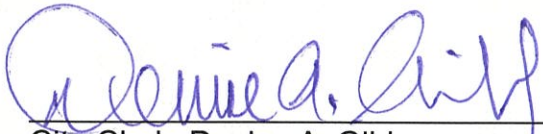
**PASSED FIRST READING:** October 4, 2023

**PASSED AND ADOPTED ON SECOND READING:** November 1, 2023

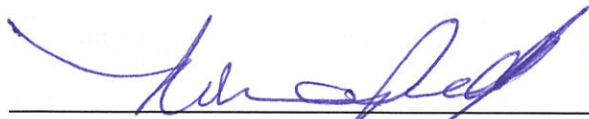
  
\_\_\_\_\_  
Mayor, Wayne M. Messam

  
\_\_\_\_\_  
Vice Mayor, Alexandra P. Davis

ATTEST:

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

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

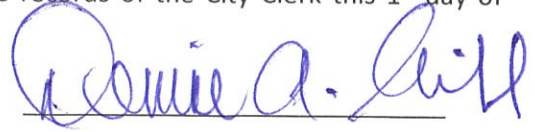
  
\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

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

**Certificate of Filing for an Ordinance**

CERTIFICATE OF FILING

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Ordinance No. 24-02 was filed in the records of the City Clerk this 1<sup>st</sup> day of November, 2023.

A handwritten signature in blue ink, appearing to read "Denise A. Gibbs", is written over a horizontal line.

Print Name: Denise A. Gibbs

Print Title: City Clerk