



*SUSTAINABLE OPA-LOCKA*

# **2015 LAND DEVELOPMENT REGULATIONS (ADOPTED)**

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## **CHAPTER 22. ZONING**

### **ARTICLE I. GENERAL PROVISIONS**

#### **Sec. 22-1. Title**

This Chapter shall be entitled “Chapter 22, Zoning and Land Development.”

#### **Sec. 22-2. Authority**

These land development regulations are enacted pursuant to the requirements and authority of F.S. § 163.3202, the Local Government Comprehensive Planning and Land Development Regulation Act and the City of Opa-locka Charter.

#### **Sec. 22-3. Purpose**

The regulations set forth herein shall apply to all of the land, water improvements, structures and uses located or conducted within the municipal boundaries of the City. The purpose of these regulations is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but to also ensure that growth forms an integral part of a community of functional neighborhoods, retail and commercial centers; increases collective security and community identity; and enhances the quality of life for the entire City to ensure the greatest possible economic and social benefits for all residents.

#### **Sec. 22-4. Intent of Land Development Regulations**

The provisions of this Chapter are intended to:

1. Implement and promote consistency with goals, objectives and policies of the City’s Comprehensive Plan.
2. Promote and preserve the public health, safety, morals and welfare.
  - a. Specify the duties and responsibilities of the City in administering this Chapter.
  - b. Adopt a development review process that is efficient, effective, and equitable.
  - c. Establish clear and certain regulations, procedures and

development standards for obtaining development order and permitting approvals for all proposed development in the City.

- d. Provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

**Sec. 22-5. Applicability to Development**

The provisions of this Chapter shall apply to all development in the City, unless otherwise provided for in the City Charter. The provisions of this Chapter are not applicable to the City. No development, except as specifically provided in this Chapter, shall be undertaken without prior authorization pursuant to this Chapter.

**Sec. 22-6. Rules of Interpretation**

All provisions shall be considered as minimum requirements; liberally construed in favor of the objectives and purposes of the City; and deemed neither to limit nor repeal any other powers granted under state statutes or City Charter. If any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Chapter, the Director of the Department of Planning and Community Development, shall be responsible for interpretation and shall look to the Comprehensive Plan for guidance.

The interpretation and application of the regulations and provisions within this Chapter shall be responsibly and uniformly applied to all property within the jurisdiction of the City.

Whenever the regulations within this Chapter vary from the regulations of any other lawfully enacted and adopted rules, regulations, ordinances or laws, the most restrictive shall apply, except if noted herein.

If, because of error or omission on the zoning map, property within the City is not shown as being in a zoning district the classification shall be R-1 Single Family until changed by Rezoning. The language used in this Chapter shall be interpreted according to the following rules.

- A. Computation of time. The time within which an act is to be done shall be computed by consecutive calendar days excluding Saturdays, Sundays or legal holidays (business day), unless stated otherwise.
- B. Delegation of authority. The City Manager has the authority to delegate to professional level subordinates to perform the required acts or duties unless the terms of the provision or section specify otherwise.
- C. Number. Words in the singular shall include the plural and words in the plural shall include the singular.
- D. Shall, may. The word "shall" is mandatory; "may" is permissive.
- E. Tense. Words used in the past or present tense include the future as well as the past or present.
- F. Written, in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing, electronic or otherwise.
- G. Year. The word "year" means a calendar year, unless otherwise indicated.
- H. Day. The word "day" means a calendar day, unless a business day is indicated.
- I. Boundaries. Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:
  - 1. Boundaries shown following or approximately following any street shall be construed as following the centerline of the street.
  - 2. Boundaries shown following or approximately following any platted lot line or other property line shall be construed as following such

line.

3. Boundaries shown following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

- J. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- K. The word "lot" includes the word "plot" or "parcel" or "tract".
- L. The word "structure" includes the word "building."
- M. The word "District Map," or "Zoning Map," means the "Official Zoning District Map".
- N. The term "City Commission" means the "City Commission of the City".
- O. The term "Department" means the "Department of Planning and Community Development."
- P. The terms "Ordinance", "Code", and "Land Development Code" are synonymous and refer to the "City's Land Development Regulations."

**Sec. 22-7. Private Deed Restrictions**

No public agency shall be responsible for enforcing any private deed restriction or restrictive covenants. This does not impact public deed restrictions or covenants.

**Sec. 22-8. Form of Ownership**

These regulations shall be construed and applied with reference to the nature of the use of such property and without regard to the form of ownership.

**Sec. 22-9. Official Zoning District Map**

The City's Official Zoning District Map (Exhibit-1), as amended from time to time, is established and incorporated as part of these regulations. The Official Zoning District Map delineates the boundaries of all Zoning Districts as adopted by the City Commission, as amended from time to time, and shall be kept on

file with the Director of the Department of Planning and Community Development.

**Sec. 22-10. Changes, Amendments, or Supplements**

All changes, amendments, or supplements to this Chapter and to the Zoning District Map shall be adopted in accordance with the provisions of this Chapter, the City's Comprehensive Plan, and applicable state law.

**Sec. 22-11. Nonconforming Development**

It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained when not creating a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent.

A. Abandonment/Discontinuation. For purposes of this Section, a nonconforming use shall be considered abandoned or having ceased when discontinued for a period of 180 calendar days or more as indicated by any of the following:

1. Allowing business tax receipt or certificate of use to lapse;
2. Removing meters;
3. Not maintaining structure in a compliant condition;
4. Not making unit available for occupancy;
5. Failure to perform actions pursuant to the terms of an active building permit; or
6. Failure to occupy the site.

B. Nonconforming use of a conforming building. The lawful nonconforming use of a building may be continued, although such use does not conform to the regulations of an applicable zoning district within which

the building is located. Any such use shall only be changed to a permitted use. A nonconforming use shall not be expanded. If the nonconforming use is discontinued, any further use of said building shall conform to the regulations of the applicable zoning district.

- C. Conforming use of a nonconforming building. A lawful nonconforming building may be utilized for any use that conforms to the regulations of the applicable zoning district within which the building is located. Structural alterations may only be made when they do not increase the degree of nonconformity of the building, but are discouraged.
- D. Nonconforming use of a nonconforming building. The lawful nonconforming use of a lawful nonconforming building may be continued although such use and building do not conform to the regulations of the applicable zoning district within which the building is located. However, neither the use nor the building shall be expanded. If the nonconforming use is abandoned, any further use of said building shall conform to the regulations of the applicable zoning district.
- E. Nonconforming use of land. The nonconforming use of land shall be discontinued. If any building incident and subordinate to such use of land is constructed as to permit the issuance of a permit for a use not excluded from the zoning district, such building may remain as a conforming structure; thereafter, both land and building shall become conforming.
- F. Nonconforming accessory use or accessory building. A nonconforming accessory use or accessory building may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of



nonconformity. No nonconforming accessory use or accessory building shall continue after the principal use or building is terminated by abandonment, damage, or destruction, unless such accessory use or accessory building thereafter is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or building shall become or replace any terminated principal nonconforming use or building.

- G. Maintenance, repairs and renovations. Normal structural repairs, maintenance and renovations may be performed to allow the continuation of a nonconforming building. However, such cumulative work in any 12-month period shall not exceed 50 percent of the assessed value of such building. Assessed value for purposes of this section shall be determined by using the current assessed value as provided by the Property Appraiser's Office.
- H. Compliance with regulations. Nothing in this section shall diminish the responsibility of an owner to maintain his use or structure in full compliance with all other town, county, state or federal regulations or licensing procedures.
- I. Establishment of nonconformity. For the purpose of this section, the mere possession of a valid approval to use land or buildings or valid license to do so without actual demonstrable use of such land or structure is an insufficient basis to establish lawful nonconformity.
- J. Special provisions for specific nonconformities.
  - 1. Nonconformity with stormwater management requirements. An existing development that does not currently comply must be brought into full compliance with the stormwater management requirements of the City when the use is

changed, intensified or the density or intensity of the development is increased, resulting in a potential increase in stormwater runoff or potential added concentration of pollutants in the runoff.

2. Nonconformity with parking and loading requirements. Full compliance with this Chapter shall be required where the seating capacity or other factors controlling the number of parking or loading spaces required is increased by ten percent or more.
3. Nonconforming signs. Signs or sign structures that are nonconforming shall be removed in accordance with Article X of the Code. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

**Sec. 22-12. Substandard Single-Family Lots**

Any lot in a single-family residential district that is not smaller than 4,800 s.f. and that was platted prior to the adoption of these regulations shall not be deemed a non-conforming lot for purposes of minimum lot size, and shall be permitted to be developed in accordance with the applicable zoning district regulations where the lot is located.

**Sec. 22-13. Commercial Principle Use**

Only one (1) principle use and up to four (4) subsidiary uses shall be permitted per establishment.

**Sec. 22-14. Violation of Permit Condition of Time Limitation**

A violation of any condition or time limitation of any resolution, development permit or approval shall be considered a violation of this Chapter. The violation shall be corrected prior to any public hearing or meeting on the issuance of any subsequent development permit or approval for that project, unless a subsequent application seeks to amend the condition or time limitation that has been violated. Unless otherwise specified in the resolution, development permit, or approval, an approved use must comply with conditions and time limitations before implementation of the approval, or before receipt of a certificate of occupancy or certificate of completion.

**Sec. 22-15. Vested Rights**

Unless otherwise permitted as an exception under (A) below or allowed to continue as a non-conforming use under Section 22-11, all existing, proposed and new development or redevelopment and uses of land in the City shall conform strictly to the provisions of these Land Development Regulations. Except as expressly provided in these land development regulations, no development and use of land shall be undertaken without prior approval and issuance of a development order pursuant to these land development regulations. The fact that a development order, permit or decision has been issued shall not stop or otherwise prevent the City from strict enforcement of the provisions of these land development regulations.

A. Exceptions, vested rights. The provisions of these land development regulations, and any amendments hereto, shall not affect development that has a valid approval before adoption of these regulations, or is otherwise exempted in accordance with this section or Sec. 22-11. Nonconforming Development.

1. Nothing in these zoning regulations shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

- (a) A governmental act of development approval was obtained prior to the effective date of these Land Development Regulations or prior to the effective date of an amendment to these Land Development Regulations; and
  - (b) The property owner has detrimentally relied, in good faith, by making substantial expenditures based upon the governmental act of development approval; and
  - (c) It would be highly inequitable to deny the property owner the right to complete the development.
- 2. Except as provided in 3 below, any property owner claiming to have vested rights under this section must file an application with the City Manager or his/her designee for a vested rights determination within 120 calendar days after the initial effective date of this section (as to any claim of vested rights prior to initial adoption) or within 120 calendar days after an amendment of these Land Development Regulations (as to any claim of vested rights arising after the initial adoption of these land development regulations and prior to the amendment). The application shall contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City and other documentary evidence supporting the claim. The City Commission shall review the application and, based upon the evidence submitted, shall make a written determination as to whether the property owner has established vested rights.

3. Any property owner claiming to have vested rights under this section, by virtue of: (a) A court judgment rendered by a court of competent jurisdiction; or (b) vested rights determination by Miami-Dade County; or (c) Florida Department of Economic Opportunity, Division of Community Development vested rights determination may follow a simplified procedure authorized by this subsection in lieu of the procedure provided above. The simplified procedure under this subsection shall be as follows:

The property owner claiming vested rights shall file an application with the City Manager or his/her designee for a vested rights determination within 120 calendar days after the effective date of this section. The application shall contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation of the applicable qualifying items above. The City Manager shall review the application, and based upon the evidence submitted shall make a written determination as to whether the property owner has established vested rights. Vested rights pursuant to the criteria of this section shall be presumed to exist, upon submittal of the qualifying items, unless clear and convincing evidence shows that vested rights have been waived, have expired or are not applicable, in whole or in part.

4. The provisions of these land development regulations shall not affect development for which a building permit has been issued on or before the effective date of the initial adoption of this section, provided that such building permit was lawfully issued and remains in full force and effect and the approval has not expired. Upon completion of such development, the development thenceforth will be subject to the provisions of these land development regulations.

**Sec. 22-16. Enforcement**

- A. It shall be the duty of the City Manager, or Manager's designee, to enforcement the provisions of this Chapter. The Building Official shall not approve any permit for any building or use which would violate any of the provisions of this Chapter. It shall also be the duty of all employees of the City to report any seeming violations.
- B. Authorized representatives of the City as per the City Charter shall have access to materials and work sites at all times and shall have the power to stop work pending investigation as to materials, work, trades, use, under these regulations.
- C. When a building is erected, constructed, or reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Chapter, the City may take any appropriate action to end the violation.
- D. When deemed necessary by an authorized representative of the City, a recorded agreement may be required in order to enforce this Chapter.
- E. No zoning district boundary or regulation change, modification of requirements, special exception, variance, building permit, certificates of occupancy and use, or other permit shall be granted by the City Commission, City Departments, or Zoning Board of Appeals except in compliance with the provisions of this Chapter, or Zoning Board of Appeals, or any court decision.

**Sec. 22-17. Permits and Licenses**

- A. A building permit is authorized and may only be issued for a building or structure to be erected, constructed, altered, moved, converted, extended, enlarged or used, or any land or water to be used, in conformity with the provisions of this Chapter.
- B. A license or permit shall not be issued by any department, agency or official of the City for the use of any premises or the operation of any business, enterprise, occupation, trade, profession, or activity which would be in violation of any of the provisions of this Chapter.

**Sec. 22-18. Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Chapter shall continue in full force and effect.

**Sec. 22-19. Right to judicial review.**

Any persons, jointly or severally, aggrieved by any decision of the city commission, or any officer, department, board, or commission of the city, may apply to the circuit court in the judicial circuit where the city commission is located for judicial relief within 30 days after rendition of the decision by the City Commission. The proceedings of the circuit court shall consist either of a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the state appellate rules. The election of remedies shall lie with the appellate.

**Reserved Sec. 22-20 – 22-30.**

## **ARTICLE II. ADMINISTRATIVE PROVISIONS**

### **Sec. 22-31 Purpose and Authority**

This Article sets forth the duties and responsibilities of the agencies described herein.

### **Sec. 22-32 City Commission**

Pursuant to the authority granted to the City Commission by state law or by provisions of the City Charter (Article II), the City Commission shall have the duties and responsibilities listed therein concerning these land development regulations. The City Commission's authority shall include, but not be limited to, approval, approval with conditions or modifications or denial and hearing appeals from any board or administrative body of the City.

### **Sec. 22-33 Local Planning Agency**

- A. The City Commission is designated the Local Planning Agency (LPA) for the City.
- B. The LPA shall have all the powers authorized under Section 163.3174, Florida Statutes.
- C. A representative of the School Board of Miami-Dade County shall be entitled to sit as a non-voting member of the LPA when the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. The School Board representative shall not be counted when determining the presence of a quorum.

### **Sec. 22-34 Planning Council**

#### **A. Established**

The City Commission hereby establishes a Planning Council, which shall be an advisory body to the Commission, consisting of five members appointed by the City Commission who shall be residents of the City, one chosen by each member of the City Commission, and none of whom shall hold any other public office or position in the City. Each member shall serve a term which will coincide with that of the Commissioner who selected them. The



Planning Council shall elect a chair and vice-chair from among its appointed members. The Mayor and City Manager shall serve as ex-officio members of the Council. Members may be removed by the City Commission upon written charges and after public hearing and vacancies shall be filled for the unexpired term of any member. Meetings shall be held once a month, at a minimum, as needed and determined by the Chair. The Council shall keep a record of its proceedings, findings and determinations showing the vote on each matter. The record shall be filed with the City Clerk's Office. Members of this Council shall serve without compensation.

**B. Duties and Responsibilities**

The duties and responsibilities of the Planning Council shall include the following:

1. Hear applications and make recommendations on amendments, extensions and additions to the Comprehensive Plan for the physical development of the City.
2. Hear applications and make recommendations on the platting or subdividing of lands within the City.
3. Review and recommend approval or disapproval of proposed changes to the official Zoning Map of the City.
4. Maintain and enforce zoning district boundaries and their respective district regulations.
5. Hear applications and make recommendations for approval or disapproval on rezoning for individual properties, neighborhood or on an area-wide basis.
6. Hear applications and make recommendations for approval or disapproval on changes to the Land Development Regulations.
7. Promote public interest in and understanding of the master plan and of planning and zoning.
8. Make recommendations as to strategies for the clearance of slum and blighted areas.

9. Make recommendations as to strategies for the redevelopment of former slum and blighted areas.
10. Review annually the City Manager's list of recommended capital improvements, not less than ninety (90) days prior to the beginning of the budget year, which in the opinion of the Council are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be detailed by year and level of importance.
11. Review and make recommendations on existing and proposed plans for the re-planning, improvement, and redevelopment of neighborhoods.
12. Make recommendations for Special Studies as may be required in the performance of its duties.
13. Recommend, under certain circumstances, that the City retain planning and zoning consultants and/or receive technical assistance.
14. Make recommendations on Conditional Uses and Special Exceptions.
15. Make recommendations to the City Commission when the City is contemplating disposing of City-owned property.
16. Other duties as may be requested by the City Commission.

**Sec. 22-35     Zoning Board of Appeals**

**A. Established**

The City Commission hereby establishes a Zoning Board of Appeals consisting of five members appointed by the City Commission. Two of the five members shall be appointed for two year terms while the remaining three shall be appoint for three year terms. Members may be removed by the City Commission upon written charges and after public hearing and vacancies shall be filled for the unexpired term of any member. Members of this Board shall serve without compensation.

**B. Duties and Responsibilities**

The duties and responsibilities of the Zoning Appeals Board shall include the following:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director in the enforcement of the Code.
2. To determine conformity with the provisions of the Code, reverse or affirm, wholly or partly, or modify the order, requirement, decisions or determination made by the Director in the enforcement of the Code.
3. To grant, deny or hear appeals to variances to the development regulations of the applicable district subject to appropriate conditions and safeguards.
4. To annually grant temporary permits for nonconforming use of buildings or lands in the City for short periods of time. Said temporary permits shall expire next September 30th after issuance, and must obtain renewal by October 31. See fee schedule for square footage cost.
5. To hear and to authorize, upon appeal, such variance from the terms of the Code.

**C. Appeal of Decision of Director**

1. Any appeal taken from the requirement, decision or determination made by the Director charged with the enforcement of the Code shall be filed within thirty (30) days after it is imposed. The Director shall bring said appeal before the Board in a form prescribed by the City. Those appealing the Director's decision shall specify the grounds on which the decision should be reversed.
2. All appeals shall be in writing along with the fee in accordance with the City's fee schedule. All decisions of the Board shall be made by resolution within thirty (30) days of the presentation of the written appeal.  
  
Any member of the Board, who has a special interest, direct or indirect, in any matter, shall make that interest known and shall abstain from participating in that matter.
3. The Director or his/her designee from whom the appeal is taken shall, upon notification of the filing of the appeal, transmit to the Board all

documents, plans and papers constituting the record of the action from which the appeal was taken and may appear before the Board.

**D. Official Actions**

The Board, by a vote of four concurring members, may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed, to that end the Board shall have all the powers of the official from whom the appeal is taken.

Any person or persons, aggrieved by any decision of the Board, or any taxpayer, or any officer, department of the City may present to a Court of Record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board or other designated office. Otherwise the decision of the Board shall be final.

**Sec. 22-36      Development Review Committee**

The City Commission hereby establishes a Development Review Committee, which shall be an advisory body to the Department of Planning and Community Development. Members of the Committee shall include: Director of Planning and Community Development their Designee, Director of Public Works or their Designee, Director of Parks and Recreation or their Designee, Police Chief or their Designee, Director of Building or their Designee, Code Compliance Personnel / Designee, any intergovernmental agency representatives deemed necessary by the Director, and any other staff as deemed necessary.

The Development Review Committee shall have the power to review applications for development orders or permits relative to the requirements, regulations and standards of this chapter including: site plans; plats; vacations or dedications of rights-of-way; or any other type of development or projects that the Director of the Department of Planning and Community Development determines requires DRC review. DRC review and comments shall be made on the basis of the criteria set forth herein this Code. In the case of applications for which the DRC acts in an advisory capacity, it shall make recommendations for approval, approval with conditions or modifications, or disapproval. Proper

notice shall be giving by the City to the residents or businesses prior to conducting any development review committee (DRC) meeting.

**Sec. 22-37      Department of Planning and Community Development**

The Department of Planning and Community Development shall have the duty and responsibility to determine, interpret and enforce all sections of the land development regulations. The Department shall promote, protect, and improve the health, safety, and welfare of the citizens of the City by providing an equitable, expeditious and effective method of enforcing this Chapter.

**Reserved Sec. 22-38 – 22-48.**

## **ARTICLE III. APPLICATION REVIEW AND APPROVAL REQUIREMENTS**

### **Sec. 22-49. General Requirements for Applications**

Applications required under this Article must be submitted in a form as specified below and in such numbers as determined by the Director. Application forms and checklists of required submittal information are available from the Department of Planning and Community Development.

All properties within a single application must be contiguous and immediately adjacent to one another or be the subject of separate petitions and filing fees unless separated by a street.

- A. Pre-Application Conference. A pre-application conference may be required, at the discretion of the Department Director or granted at the request of the applicant. Applicants are encouraged to schedule and attend a pre-application meeting with the appropriate Department of Planning and Community Development staff prior to submitting an application for review under this Article. The purpose of a pre-application conference is to inform the applicant of review procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal. Staff opinions presented during a pre-application meeting are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the development proposal.
- B. Application Filing Fee. Applications must be accompanied by the fee that has been established by the City Commission. Fees are not required with applications initiated by the City Commission or an advisory board of the City. Unless otherwise expressly stated in this article, application fees are nonrefundable.

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- C. Application Completeness and Accuracy. An application will be considered complete by the Department if it is submitted in the required number and form, includes all mandatory information, is accompanied by the applicable fee, and all information material to the application is accurate. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.
- D. Acceptance for Processing. Determination of application completeness shall be made by the Department within 45 business days of application filing. If an application is determined to be incomplete, the Department shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. The deficiencies must be addressed by the applicant in writing within 45 business days of the date of the deficiency notice provided by the City. If all of the deficiencies are not addressed, the application shall be considered withdrawn. The Director shall provide in writing to the applicant that the application is either complete or withdrawn.
- E. Burden of Proof or Persuasion. In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria. An application shall not create any nonconforming circumstances.
- F. Official Review. In conducting required reviews, the Department shall be authorized to distribute the application and other submittals to other departments and agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements.

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Prior to holding a public hearing on any item requiring Planning Council review, the City Commission shall not act until such time as it has received the findings of the Council.

- G. Procedures on Matters Considered by the City Commission from Acts of the Planning Council. All Planning Council decisions, actions, resolutions, findings of fact, recommendations on appeals, rezoning, variances, consideration of capital programs, approval of land purchase or sale, and all other matters required by the Charter or Code of the City are subject to review by the City Commission.

All recommendations and findings of fact by the Planning Council shall be placed on the next available regular City Commission meeting agenda in compliance with the notice requirements.

- H. Development Order Modification. After a final development order has been issued it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification to the development order. A written record of the modification shall be made a part of the original final development order and maintained in the files of the City.

- I. Cost Recovery. To the extent that any application for review by the City under the City's Land Development Regulations or, except as otherwise specified below, other City provisions which require review by City staff, City contractors, agents or consultants, the actual full costs for such review shall be passed on to the Applicant. Costs for the City Attorney and/or any outside contractors, agents or consultants of the City shall be charged to the applicant in an amount equal to the actual cost charged to the City, plus administrative fees.

1. Fees charged to process building permits and other development applications on behalf of the City shall not be affected by this



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section.

2. Unless prohibited by law, in circumstances in which the City prepares closing papers, deeds, or other documents in conjunction with City programs such as in-fill lot housing or other housing measures, or for other matters in which the City holds a lien and is requested to subordinate its position; and, in cases where the City prepares loan documents, liens, mortgage papers, subordination documents and other such documents in conjunction with or resulting from City loan and economic development programs, the City shall charge the applicant a reasonable fee as determined by the City Manager in an amount equal to the actual full costs to the City for the preparation of such documents.

- J. Commencement of Development. Site improvements shall be developed prior to or concurrently with the commencement of construction. Such improvements include, but are not limited to: road and drainage improvements, excavation, grading and leveling, installation of utilities, and other infrastructure.

A site plan shall be valid only if a building permit for a principal building has been issued within one year of the administrative or City Commission approval of said site plan, whichever is applicable. For good cause shown, an applicant may apply for an extension of time prior to the expiration of the 12-month period. Such extension of time shall be granted administratively and shall not exceed six (6) months with a maximum of two (2) extensions.

If development is permitted in phases, a phasing plan shall be required and subsequent phases shall commence within 12 months after the completion of the previous phase.

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1. After two years, if subsequent phases are not commenced within the 12-month period, the approval shall be null and void and reapplication to the City shall be required for the remaining phases. Phases may be developed out of sequence if good cause is shown and not be to the detriment of the preceding phase(s). If not commenced within 12 months the applicant may apply for an extension (6 months) for \$1,000.00. A second extension may be permitted for a fee of \$1,000.00.

- K. Advertising and notice requirements. Upon determination of a complete application, the City shall fix a date, time, and place for a public hearing/s and publish notice of such hearing/s in the following manner. Each notice shall adequately describe the property along with the intent and purpose for the application and where additional information on the matter may be obtained.

Advertising requirements. The City shall advertise in accordance with the provisions set forth below:

<u>Development Application and Type of Meeting</u>	<u>Type of Advertisement Required</u>
Comprehensive Plan Amendments	As required by state law for the City Commission Meeting.
Rezoning	As required by state law for the City Commission Meeting.
Development of Regional Impact	As required by state law for the City Commission Meeting.
Any other development application not mentioned above which requires a public	An advertisement shall be published in the non-legal section of a local newspaper selected by the City at least seven (7) calendar days before the City Commission

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hearing	public hearing.
Local Planning Agency (LPA)	As required by state law for the LPA Meeting.
Administrative Variance	An advertisement shall be published in the non-legal section of a local newspaper selected by the City at least ten (10) calendar days after the Director's decision.

1. Posted notice. A sign shall be prepared and posted on the subject property by the City setting forth a notice of public hearing at least five (5) business days before the City Commission meeting in which the item is scheduled to be heard. This notice shall remain posted on the subject property through the date of the public hearing and shall be removed within ten (10) business days following the City Commission's approval or denial of the application, or upon the application's withdrawal.
2. Courtesy mailed notice. Mailed notice shall be sent to all property owners of record within the notification area defined below:

Courtesy Mail Noticing Distance By Application Type	
<u>Type of Application</u>	<u>Mail Noticing Radius</u>
Variances and waivers: single-family, duplex, individual townhouse uses	Abutting Property Owners
Variances and Waivers: All Other Uses	250-foot Radius
Special Exception Uses	250-foot Radius
Site Specific Re-zonings	500-foot Radius
Site Specific Land Use Plan Amendments	1,000-foot Radius
All Other Applications	500-foot Radius

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3. Advertising and notice costs. All costs of advertising, noticing, and posting shall be borne by the applicant.

L. Withdrawal of Development Applications and Refund of Fees. An application for development review may be withdrawn at any time. For applications filed in accordance with this Chapter and subsequently withdrawn, the applicant may request a fee refund in writing. The amount of refund will be based on the point in time of the review process when the application withdrawal is initiated by the applicant. The refund schedule is as follows:

1. 75 percent prior to staff review or legal advertisement (whichever comes first).
2. 25 percent prior to drafting of the staff report.
3. 15 percent 10 business days prior to the Commission hearing on the application.
4. No refund shall be granted if an applicant withdraws the application at the City Commission meeting in which the application is scheduled to be heard.

M. Appeal.

1. Administrative Appeal. Any person aggrieved by an action of the Department in granting, denying or revoking an administrative decision may appeal the decision to the City Commission within 10 days of the decision. Such appeal shall be filed on a form provided by the Department, and which shall include the applicable fee.

In the case of an appeal from the revocation of a temporary use permit, the aggrieved party may first request a meeting with the Department. Within five (5) business days of the meeting, the Department shall inform the aggrieved person, in writing, of the decision to affirm, modify, or rescind revocation of the permit.

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2. Appeal of Planning Council Decision. Any person aggrieved by a recommendation of the Planning Council may appeal said decision to the City Commission. Notice of appeal shall be filed with the City Clerk along with the required fees within ten (10) days or the recommendations and findings of the Council shall be conclusive.
  3. Appeal of City Commission Decision. Any person aggrieved by a decision of the City Commission may appeal said decision to a court of competent jurisdiction.
- N. Withdrawal of Appeal. An appeal to the City Commission may be withdrawn by the applicant at any time prior to the deadline of cancellation of the newspaper advertisement for the public hearing on the application; after this deadline an appeal may be withdrawn only with the permission of the City Commission.
- O. Request for Waivers/Modifications of Submittal Requirements. Any submittal requirements may be waived by the Department Director. The applicant must clearly indicate by section and paragraph in the application and in a letter attached to the application, which waiver or modification is requested. To grant a waiver or modification the Department must determine that a requirement is not necessary for the full and adequate consideration of the application. The Department shall set forth in writing the reasons for such determination.
- P. Re-Application. If a development application is denied by the City Commission on its merits, no application substantially requesting the same relief with respect to all or part of the same property shall be considered by the City within 12 months after the date of such denial. This re-application requirement may be waived by a majority vote of the City Commission. The Director shall determine whether the re-application is substantially requesting the same relief.

**Sec. 22-50. Appeal of Administrative Decision**

Any person or persons claiming to be aggrieved on account of any ruling by the Director or board charged with enforcing the land development regulations may appeal to the City Commission.

- A. Application Filing. The filing of a complete application for appeal from the Director's or Board's ruling shall stay all proceedings and all work on the premises involved unless such stay shall be deemed to imperil life or property. In such cases, proceedings or work shall not be stayed except by an order granted by the City Commission or by a court of competent jurisdiction if the same shall have been refused by the City Commission.
- B. Record of Administrative Decision. Upon acceptance of a complete application the Director shall transmit to the City Commission all papers or other records upon which the action or decision appealed was taken.
- C. Public Hearing by the City Commission. The City Commission shall hold a public hearing, and may reverse or affirm, wholly or partly, or may modify the Director's or Board's decision regarding the application.
- D. Approval Criteria. An appeal shall be sustained only if the City Commission finds that the Director or board erred. The decision of the City Commission shall be by resolution. The Director shall serve a copy of the decision on the applicant and upon each other person who was a party of record at the hearing.

**Sec. 22-51. Comprehensive Plan Amendments**

Comprehensive Plan amendments may be considered two times a year, unless otherwise exempted by the Florida Statutes, in accordance with the following procedural calendar and regulations.

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- A. Initiation of Application. Amendments to the City's Comprehensive Plan may be initiated by the majority vote of the City Commission, motion of the majority vote of the LPA, motion to recommend to the City Commission by the Planning Council, City Administration, petition of the property owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.
  
- B. Application Filing. Amendment applications shall be filed with the Department of Planning and Community Development. The required application form must be completed and signed by the owner or owner's agent, or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.
  
- C. Submittal Requirements. All amendment applications shall be accompanied by the following items:
  - 1. An application, on a form provided by the City, completed and signed by the applicant, the owner or owner's agent, or contract purchaser with the owner's written consent.
  - 2. When the proposal is an amendment to the Comprehensive Plan text or map series the applicant shall submit data in support of the request. A text amendment shall be submitted in a strikethrough and underline format.
  - 3. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant shall keep this information current at all times during the processing of the application.
  - 4. A survey, signed and sealed by a certified surveyor and mapper, completed not longer than six (6) months in advance of the date of the application, that contains the following information:

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- a. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed land use classifications.
- b. Total area of the property and of each existing and proposed district classification presented in square feet and acres. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.
- c. Location of all existing buildings and structures.
- d. Names of all boundary roads or streets, and the width of existing rights-of-way.

D. Procedure.

- 1. Applications shall be received by the City in a form set by the City and made available to the applicants.
- 2. The Department shall review all submitted applications for Comprehensive Plan amendments and shall prepare a comprehensive written recommendation.
- 3. The Planning Council shall hold a public hearing to consider the application and the Department's recommendation. The Council shall make a recommendation to the City Commission.
- 4. The LPA shall hold a public hearing to consider applications for amendments to the Comprehensive Plan and shall, upon conclusion of the public hearing, make a recommendation to the City Commission with respect to each application.
- 5. The City Commission shall hold public hearing(s) to consider the recommendations of the LPA with respect to applications for amendments to the Comprehensive Plan and shall, upon conclusion of the public hearing(s), adopt an ordinance expressing intent to adopt those proposed amendments to the Comprehensive Plan.



**Sec. 22-53. Land Development Regulations Text Amendments**

Text amendments to this Chapter, may be considered following the procedural regulations below.

- A. Initiation of Application. Amendments to the Land Development Regulations may be initiated by the majority vote of the City Commission, motion of the majority vote of the LPA, motion to recommend to the City Commission by the Planning Council or Zoning Board of Appeals, or City Administration.
- B. Application Filing. Amendment applications shall be processed by the Department of Planning and Community Development. The required application form shall be completed and signed by the City Manager or designee, the application shall be forwarded to all appropriate reviewing agencies for comment.
- C. Submittal Requirements. All amendment applications shall be accompanied by the following items:
  - 5. An application, as determined by the City.
  - 6. A text amendment shall be submitted in a strikethrough and underline format.
  - 7. A statement explaining the reason for the text amendment.
- D. Procedure.
  - 6. Applications shall be received by the Department.
  - 7. The Department shall review applications for text amendments and shall prepare a comprehensive written recommendation.
  - 8. The Planning Council and/or Zoning Board of Appeals shall hold a public hearing to consider the application and the Department's recommendation. The Council and/or Board shall make a recommendation(s) to the City Commission.

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9. The LPA shall hold a public hearing to consider applications for text amendments to the Land Development Regulations and shall, upon conclusion of the public hearing, make a recommendation to the City Commission with respect to each application.
10. The City Commission shall hold public hearing(s) to consider the recommendations of the LPA with respect to applications for amendments to the Comprehensive Plan and shall, upon conclusion of the public hearing(s), adopt an ordinance expressing an intent to adopt or deny those proposed amendments to the Land Development Regulations.

**Sec. 22-54. Rezoning**

The City Commission may rezone property, in conformity with the provisions of this section. Rezones may be initiated by the City, petition of the owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of the proposed map amendment.

- A. Application Filing. All rezoning applications shall be filed with the Department of Planning and Community Development. The required application form must be completed and signed by the applicant and owner[s] of the property or their designated agent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.
- B. Submittal Requirements. All rezoning applications shall be accompanied by the following items:
  1. An application, on a form provided by the City, completed and signed by the applicant and owner(s) of the property or their designated agent.
  2. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The

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applicant shall keep this information current at all times during the processing of the application.

3. An as-built survey, signed and sealed by a certified surveyor and mapper, completed not longer than 6 months in advance of the date of the application, that contains the following information:
  - a. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed land use classifications.
  - b. Total area of the property and of each existing and proposed district classification presented in square feet and acres.
  - c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.
  - d. Location of all existing buildings and structures.
  - e. Names of all boundary roads or streets, and the width of existing rights-of-way.

C. Public Hearing. The City Commission shall hold public hearing(s), after receipt of the Planning Council recommendation, as required by law. If the rezoning is denied the Commission shall not consider any further requests for rezoning on any part same property for a period of one (1) year unless said requirement is waived by a majority vote by the City Commission.

D. Planning Council Approval Criteria. As part of its recommendation the Planning Council shall study and consider, where applicable, whether:

1. The proposed change is contrary to the established land use pattern.
2. The proposed change would create “spot zoning”.
3. The proposed change would alter the population or traffic patterns and thereby negatively impact public facilities such as schools, utilities, streets, etc.

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4. The proposed zoning district boundaries would become more illogically drawn.
5. The proposed change would be in conflict with all or portions of the City's Comprehensive Plan.
6. There is an additional need for uses permitted within the proposed zoning district.
7. The proposed change will adversely affect living conditions in the neighborhood, if applicable.
8. The proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
9. The proposed change will create a drainage problem.
10. The proposed change will reduce light and air to adjacent areas.
11. The proposed change will adversely affect property values.
12. The proposed change will be a deterrent to the improvement or development of adjacent property.
13. The proposed change will constitute a grant of special privilege.
14. There are no substantial reasons why the property cannot be used in accordance with the existing zoning.
15. Whether the change suggested is out of scale with the surrounding neighborhood.
16. It is possible to find other sites already zoned permitting the uses(s) requested.
17. The proposed rezoning would meet all other regulations.

E. City Commission Approval Criteria. The City Commission shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

1. The proposed rezone is consistent with goals, objectives and policies of the City's Comprehensive Plan.
2. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

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3. The subject property is physically suitable for the uses permitted in the proposed district.

F. Expiration of Rezoning Approvals. The grant of a rezoning shall be null and void twelve (12) months from the date of City Commission approval unless construction of the development has commenced.

**Sec. 22-55. Site Plan Application**

Applications for Site Plan review shall require the submission of a site plan package in accordance with the provisions of this Article. Site plans shall be required for all development within the City. Prior to any action by the City Commission at public hearing a review by and recommendation from the Planning Council shall be required. Notwithstanding the above, the development and the construction of ten (10) detached single-family or five (5) duplex residences shall be subject to administrative site plan review and approval. In addition, existing development on which no site plan was previously submitted and/or is on file shall also be subject to administrative site plan review and approval. No certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. The Director may, if in his opinion it is deemed necessary, retain consultants to assist in the review of an application for site plan approval.

G. Procedure. An application for site plan review shall be made to the Director prior to an application for a building permit and will only be accepted if all other ordinances and provisions of the City have been complied with. Except as may otherwise be required by law or administrative procedures, all required county, regional, state, or federal agency approvals shall be obtained prior to site plan approval.

H. Approval Criteria. The Planning Council and City Commission shall use the following criteria in making their decision regarding approval or disapproval of a site plan application:

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1. The development permitted by the application, if granted, conforms to the Comprehensive Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.
  2. The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of the City.
  3. The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.
  4. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.
- I. Plan Submission and Review. Any application for site plan approval shall include the following information:
1. The location and size of the site, including its legal description and a current certified survey (less than 6 months old).
  2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
  3. The relationship of the site to existing development in the area including streets, utilities, residential and commercial

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development, and physical features of the land including pertinent ecological structures within 100 feet.

4. The density or intensity of land use to be allocated, all parts of the site to be developed, together with tabulations by acreage and percentage thereof.
5. The location, size, and character of any common open space and the form of organization proposed to own and maintain any common open space.
6. The use and the number of stories, height, bulk, and location of all buildings and other structures.
7. The requirements as set forth in this Chapter and other Chapters, including the necessary documentation for providing required improvements such as streets, water supply, storm drainage, parking, landscaping, and sewage collection as well as the provisions for all other appropriate public and private services such as police or security protection, fire protection, and refuse collection.
8. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.
9. In the case of plans which call for development over a period of years, a phasing schedule showing the approximate times within which applications for building permits are intended to be filed.
10. Any additional data, plans, or specifications which the applicant believes is pertinent and will assist in clarifying his application.
11. A demonstration that the proposed development does not degrade adopted levels of service in the City.
12. Architectural elevations for buildings in the development; exact number of dwelling units, sizes and types and total number of bedrooms, if residential. For nonresidential development, the Floor Area Ratio and Gross Square Footage shall be required.

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13. Plans for signs, if any.
  14. Traffic Study stating current average daily and peak hour traffic volume counts, a description of existing traffic conditions, programmed and planned roadway improvements, and future traffic conditions. All roadway improvements and associated costs shall be provided.
  15. Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance. Certification of Compliance with City Landscape and Miami-Dade County Chapter 18A requirements.
  16. Color renderings and elevations.
  17. Photometrics
  18. Flood criteria data and finished floor elevations.
  19. Additional data, maps, plans, surveys or statements as may be required for the particular use or activity involved.
- J. Development Review Committee. Upon acceptance of a site plan application, one which is deemed non-administrative, the Director shall forward a copy of the application and accompanying material to each of the following Departments for review, as applicable. The applicant shall obtain applicable County and State approval prior to scheduling of public hearing.
1. Public Works
  2. Parks and Recreation
  3. Police
  4. Building and Licenses
  5. Code Enforcement
  6. Any other agency (whether municipal, county or state), as deemed applicable by the Director.



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If requested by the Director, each reviewing discipline shall prepare a staff report with written comments and shall forward such staff report to the Director. The Director shall make a written finding that the site plan has or has not met the standards of this Code.

A final site plan approved, either by the City Commission or administrative action shall only be valid for a period of two (2) years. If a final plan has been allowed to expire without application for a building permit or commencement of construction the applicant will be required to submit a new site plan application.

**Sec. 22-56. Site Plan Modification**

The Director is authorized to consider and approve minor modifications to previously approved site plans which do not exceed the thresholds established below. A letter of intent shall be submitted as part of the Minor Modification application. A minor site plan modification does not require City Commission action or hearing. Site Plan Modifications that are deemed not minor shall require rehearing before the Planning Council and City Commission.

A. Minor Modification Determination. A minor modification must demonstrate the following, as applicable:

1. The number of buildings, number of stories, height, and number of units is the same or fewer.
2. Lot coverage and/or floor area ratio have not increased or decreased by more than five (5) percent.
3. The number of parking spaces may increase or decrease by as much as 5 percent, provided the plan complies with all other requirements of this subsection and of this Chapter.
4. Density or intensity (floor area ratio) may be transferred from one stage of development to another, provided that the total floor area ratio is not changed and the floor area ratio for each stage is not increased or decreased by more than five (5) percent.

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5. Roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans.
6. Parking is in the same general location and configuration.
7. The building setbacks are the same or greater distance from perimeter property lines.
8. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect.
9. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved.
10. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans.
11. Recreational facilities, if shown on plans approved by a prior action, either remain the same or are converted from one recreational use to another.
12. If recreational facilities were not shown in the approved plans, they may be added, provided there is no net increase in lot coverage or net decrease in required non-recreational open space and such facilities are located internally within the proposed development.
13. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the land development regulations that were not previously approved at public hearing, or of expanding the scope of existing variances, or other approvals such that they would differ to a greater degree from the strict application of the land development regulations.
14. Additional out parcels may be added where there is no net increase in the project's total floor area ratio or lot coverage, there is no net reduction in the total amount of landscaped open space,

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and addition of the out parcel does not result in noncompliance with any other provision of this subsection on any other portion of the subject property.

15. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this Code. An approved parking management plan is required for the City to consider reduction in the number of parking spaces.
16. May not be contrary or modify a condition of approval or any previously approved amendment.
17. The proposed changes do not result in an increase in stormwater runoff.

**Sec. 22-57. Temporary Use Permit**

Any person desiring to establish a temporary use, as further described in Article V of this Chapter, shall submit an application for a temporary use to the Department on an application provided by the City. The applicant must submit proof of ownership of the property or present evidence to show approval of the property owner for the use requested.

- A. Issuance or Denial of Permit. If the Department finds that the application complies with the standards set forth in this Code and other applicable provisions of law, the Department shall issue a temporary use permit, setting forth the duration of the permit and such conditions as will protect the health, safety, and welfare of the public and nearby property owners. Otherwise, the Department shall deny the application.
- B. Termination. At the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, and all temporary structures and signs shall be removed within five (5) business days.

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- C. Renewals, Extensions. Requests for the renewal or extension of a temporary use permit shall be made to the Department. The procedure for the renewal of a temporary use permit shall be the same as specified in this Article for the approval of the original temporary use permit.
  
- D. Revocation of Permit. The Department may revoke a temporary use permit at any time upon the failure of the owner or operator to observe all requirements of the permit, this Article, and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the Director to the owner or operator of the use, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Chapter.

**Sec. 22-58. Variance**

Owners of lands or structures may apply to the City for a variance from the requirements or restrictions of the Land Development Regulations; except that no variance for use or density issues shall be considered. Variances shall be submitted in writing through the Department, stating the specific variance(s) requested. Each variance of a code requirement necessitates a separate variance application and process. The City Commission, after a public hearing, and recommendation from the Zoning Board of Appeals, may approve, approve with conditions or deny the application.

- A. Application. An application for a variance shall include a written statement by the applicant with supporting explanation and evidence regarding the following requirements:
  - 1. The particular provision of the Code which prevents the proposed construction on, or use of the property.

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2. The existing zoning of the property, including any previously approved conditions, or modifications.
3. The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with the terms of this ordinance.
4. The particular hardship that would result if the specified provisions of the ordinance were to be applied to the subject property.
5. The extent to which it would be necessary to vary the provisions of this ordinance in order to permit the proposed construction on, or use of, the property.
6. A disclosure statement by the parties with at least five (5) percent interest in the project shall be signed by the applicant and notarized.

B. Approval Standards. The applicant shall have the burden of proof and provide a written statement describing the manner and degree of compliance with the following standards:

1. That strict application of the regulations of this ordinance would produce undue hardship.
2. That such demonstrated hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent properties and that the character of the district will not be changed by the granting of the variance.
4. Such variance is not contrary to the public interest or to the stated purpose of this ordinance.
5. That the hardship is not self-imposed.
6. That the hardship is not financial in nature.

C. Conditions of Granting of a Variance

If granted conditions may be required. Violations of the approval, including conditions, shall be deemed a violation of the Code. A variance

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granted under the provisions of the Code shall be resubmitted if building construction associated with the plans has not commenced within six months from the date of the granting of the variance. Under no circumstances shall a variance be granted to permit a use generally not permitted in the zoning district involved.

**Sec. 22-59. Administrative Adjustment Procedure**

The purpose of this section is to provide a procedure by administrative decision for certain residential property to obtain minor administrative variances to the setback, lot coverage and building spacing requirements specified in the underlying zoning district regulations. This section shall only apply to owners in single-family, duplex and townhouse residences and accessory residential uses.

**A. Administrative Adjustment Limitations and Exclusions.**

1. Administrative adjustment approvals shall be limited to those lots within an area where at least 75 percent of the lots within approximately 300 feet, have already been developed or platted.
2. A setback shall not be adjusted below 50 percent of that required by the underlying district regulations.
3. Lot coverage for a principal and/or accessory structure shall not be increased by more than ten (10) percent of that required by the underlying district regulations.
4. Spacing between structures on the same lot may be reduced; provided, however, in no event shall such spacing be less than five (5) feet.
5. Unless specifically permitted by the underlying zoning regulations, no accessory building shall be placed in front of the front building line of the principal building.
6. Under this section, no application shall be made for nor shall approval be granted for an adjustment to canopy carport regulations.

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- B. Consent and Notice. Except as otherwise provided in this subsection, the application shall be accompanied by the signed consent of all contiguous property owners, including those located across the street(s) from the subject site, shall be submitted by the applicant on a form prescribed by the Director, and on the site plan submitted for consideration. Said consent shall not be required when a separating public right-of-way measures 70 feet or greater, nor shall consent be required when a body of water completely separates the subject parcel from another parcel.

If the applicant for an administrative adjustment is unable to obtain either the signed consent or objection of a neighboring property owner, the signed consent of that owner shall not be required when the following conditions have been met:

1. Written notice of the request for administrative adjustment is provided to the neighboring property owner; and
2. The applicant for the administrative adjustment presents proof acceptable to the Department that a notice has been sent.

- C. Inspection. Upon receipt of the application for an administrative adjustment, the Director, prior to making a decision, may have a staff member inspect the site of the subject property and the surrounding properties to determine what impact, if any, the proposed administrative adjustment will have on the adjoining lots.

- D. Review standards. The following standards shall be applied in considering an administrative adjustment:

1. No more than two sides of the encroaching construction shall be considered for a setback adjustment (all prior setback variances, administrative adjustments and alternative site development options shall count toward this limitation); and

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2. No prior setback, lot coverage or building spacing variance(s), administrative adjustment(s) or alternative site development option(s) shall be further changed by administrative adjustment; and
3. The architectural design, scale, mass, and building materials of any proposed structure or addition shall be aesthetically harmonious with that of other existing or proposed structures or buildings on the property; and
4. The plan shall clearly illustrate water runoff solution(s) for the encroaching construction area; and
5. The property owner shall certify in writing that any and all easement areas as shown on the recorded plat remain unencumbered by the encroaching construction, unless a release of interest by the easement holder(s) is obtained and submitted prior to permit issuance; and
6. The applicant provide written certification from a registered architect or engineer that the existing encroaching construction complies, or can be made to comply with all applicable construction codes, including but not limited to the Florida Building Code, the applicable Fire Prevention Code and other zoning regulations; and
7. Any reduction in the spacing requirement between a principal building and an accessory building or structure on the same lot shall not result in a situation that causes maintenance difficulty or an unsightly appearance; and
8. The proposed accessory building or structure is a normal and customary accessory residential use; and
9. The property owner certifies in writing that the type and placement of any proposed outdoor lighting fixtures shall comply with the City Code and the Florida Building Code.



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10. Notwithstanding the foregoing, no proposed administrative adjustment shall be approved where the Director determines that the proposed construction or addition:
  - a. Will not be in harmony with the general appearance and character of the subject block face or the block face across the street from the subject property or will result in a significant diminution of value of the adjacent property; or
  - b. Will be detrimental to the public welfare in that it will have substantial negative impact on public safety due to unsafe traffic movements, heightened pedestrian- vehicular conflicts, or heightened risk of fire; or
  - c. Creates materially greater adverse privacy impacts on adjacent residences than that permitted by the underlying district regulations.

(E) Conditions and safeguards. In granting an administrative adjustment, the Director may prescribe conditions and safeguards deemed necessary to protect the interests served by the underlying zoning district regulations, including, but not limited to:

1. Landscape materials, walls, and fences as required buffering.
2. Modification of the orientation or deletion of any openings.
3. Modification of site arrangements.
4. Modification of plans.

(F) Advertising. After the Director's decision, an advertisement shall be published pursuant to Sec. 22-30.

**Sec. 22-60. Conditional Use and Special Exception Applications**

The purpose of a conditional use is to allow uses not permitted by right but which may provide for an individual or community-serving need and which, subject to

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conditions, would not negatively impact the integrity of the zoning district. Special Exception are uses permitted in a zoning district but only after public hearing. Conditional Uses and Special Exceptions may be approved by the City Commission after recommendation from the Planning Council as further provided for in this Article.

- A. General Criteria. Applications for a Conditional Use or Special Exception may require the submission of a site plan in accordance with the provisions of this Chapter. No certificate(s) of occupancy shall be issued for any use unless said use has been approved by the Department. An application for a Conditional Use or Special Exception shall be made to the Department prior to an application for a building permit and will only be accepted if all other ordinances and provisions of the City have been complied with. Except as may otherwise be required by law or administrative procedures, all required county, regional, state, or federal agency approvals shall be obtained prior to the approval of an application.
- B. Approval Criteria. The Planning Council and City Commission shall use the following criteria in making their decision regarding approval or disapproval of a Conditional Use or Special Exception application:
1. Compliance with the City's Comprehensive Plan.
  2. Consistent with the "character and purpose" of the zoning district.
  3. The size, shape and character of the property are suited for the proposed use.
  4. Compatibility with the existing uses near the property.
  5. Will not adversely affect the development of the general neighborhood or district.
  6. Will not generate vehicular traffic or create vehicular circulation or ingress/egress problems or parking demands that have an

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unfavorable impact on surrounding properties when compared with uses permitted by right in the same district.

7. Potential for fire and/or other equally or greater dangerous hazards.
8. Create an unfavorable environment impacts on surrounding uses (e.g. noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance).
9. Consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.
10. Site is adequately served by essential public services and facilities not requiring additional public expense in infrastructure improvements.
11. Will not adversely affect any site or feature of historical, cultural, natural or scenic importance.
12. Will not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicitly findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare.

C. Application. Any application for a Conditional Use or Special Exception shall include the following information, if determined by the Director to be applicable:

1. The location and size of the site, including its legal description and a current certified survey.
2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.

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3. The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological structures.
  4. The density or intensity of land use to be allocated, all parts of the site to be developed, together with tabulations by acreage and percentage thereof.
  5. The location, size, and character of any open space, common or otherwise.
  6. The use and the number of stories and height, bulk, and location of all buildings and other structures.
  7. The requirements as set forth in this Chapter and other Chapters, including the necessary documentation for providing required improvements such as streets, water supply, storm drainage, parking, landscaping, and sewage collection as well as the provisions for all other appropriate public and private services such as police or security protection, fire protection, and refuse collection.
  8. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.
  9. Any additional data, plans, or specifications which the applicant believes is pertinent and will assist in clarifying his application.
  10. A demonstration that the proposed conditional use does not degrade adopted levels of service in the City.
- D. Planning Council Recommendation. The Department's written recommendations shall be transmitted to the Planning Council and a public hearing shall be conducted. The Planning Council shall make a recommendation to the City Commission for approval, denial or approval subject to conditions.

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- E. City Commission Approval. The Department's written recommendations along with the recommendations of the Planning Council shall be transmitted to the City Commission and a public hearing shall be conducted before the Commission, who shall deny; approve; or approve the use subject to conditions. Violation of the conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Chapter.

**Sec. 22-61.           Certificates of Occupancy**

- A. No building or structure, or part thereof, or premises, which are hereafter erected or altered, or land upon which a new or rehabilitated use is established, shall be occupied or used until a certificate of occupancy shall have been applied for and issued.
- B. Certificates of occupancy shall not be issued until the premises have been inspected and found to comply with all requirements of the Code of the City of Opa-locka and of this Chapter, and with all other agencies when required, such as Miami-Dade County Health Department, etc.
- C. A record of all certificates of occupancy issued hereunder shall be kept on file in the city.
- D. All applications for certificates of occupancy shall be approved or disapproved within seven (7) days following application.

**Sec. 22-62.           Violations, Penalties and Other Remedies**

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- A. Violations and Penalties. For any and every violation of the provisions of this code, and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed five hundred dollars (\$500), by imprisonment for not more than sixty (60) days, or by both.

Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part in, or assists in such violation.
3. Any person who maintains any land, building, or premises in which such violation shall exist.

- B. Other Legal Remedies. In addition to the criminal penalties and enforcement procedures provided in Section “A” above, the City may institute any lawful civil action or proceeding to prevent, restrain or abate:

1. The unlawful construction, erection, reconstruction, alteration, rehabilitation, maintenance or use of any building or structures; or
2. The occupancy of such building, structure, land or water; or
3. Any person who maintains any land, building, or premises in which such violation shall exist; or
4. The illegal act, conduct, business, or use of, in or about such premises.

- C. Other Administrative Remedies.

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1. Cease and Desist Orders. The building department shall have the authority to issue cease and desist orders in the form of written official notices given to the owner of the subject building, property, or premises, or to his agent, lessee, tenant, contractor, or to any person using the land, building, or premises where such violations have been committed or shall exist.

2. Building Permits and Certificates of Occupancy and Use

- a. Issuance

No building permit or certificate of occupancy and use shall be issued by the Building and Licenses Department for any purpose except in compliance with the provisions of this code and other applicable ordinances and laws, a decision of the Zoning Board of Appeals, or court decision.

- b. Revocation

The Building and Licenses Department may revoke a building permit or Certificate of Occupancy and use in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application of plans upon which the permit or approval was based.

- c. Suspension

The Building and Licenses Department may suspend a building permit or Certificate of Occupancy and Use where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate approval.

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d. Notice and Appeal

All building department decisions concerning the issuance, revocation, or suspension of building permits and certificates of occupancy and use shall be stated in official written notice to the permit applicant. Any decision of the Building Official, relative to the building code, may be appealed to the appropriate county agency (as per the Florida Building Code).

**Sec. 22-63. Vested Rights Determinations**

Any property owner who believes that he or she has a vested right, may submit an application for a determination of vested rights to the Department as provided for in Article I, Sec. 22-14.

- A. Review Procedures for Vested Rights. The Department shall review the application and attachments as to form and sufficiency and shall within 30 business days of receipt thereof determine and notify the applicant whether the application information is in compliance with this section. Within 30 business days after acknowledging receipt of a sufficient application, the Department shall place the application on the agenda of the next available City Commission meeting, unless otherwise requested by the applicant. The City Commission shall review the application and any other information which it deems necessary and advisable, and shall issue a final determination as to the vested rights claim.
- B. Application. Any property owner filing for a determination of vested rights with the Department shall do so on a form approved by the City hereby known as "Application for Vested Rights". The application shall be accompanied by a fee as set by resolution of the City Commission and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City and other documentary evidence supporting the claim. The City Commission shall



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review the application and, based upon the evidence submitted, shall make a written determination as to whether the property owner has established vested rights.

- C. Effect of vested rights determination. A determination by the City Commission that a property owner is entitled to a vested right shall entitle development or use in accordance with such determination. However, a vested right determination shall not limit the applicability of other provisions of this Chapter, nor shall it entitle the applicant to the issuance of any development permit not specified in the final vested rights determination.

**Reserved**

**Sec.**

**22-64**

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**22-74.**

**ARTICLE IV. DISTRICTS, PERMITTED USES, AND DEVELOPMENT STANDARDS**

**Sec. 22-75. Purpose**

The creation of districts and standards allows for classifying and regulating the use and development of lands and waters in the City. These districts are established for the purpose of protecting, promoting, and improving the public health, safety, and welfare. These districts regulate the location of uses and the types and forms of development and buildings that may occur within their boundaries.

**Sec. 22-76. Use Definitions**

The following definitions pertain to and describe permitted uses in the City of Opa-locka.

**Accessory use, building or structure** - A use or structure subordinate to the principal use of a building or parcel of land, on the same or contiguous to that parcel of land and serving a purpose customarily incidental to the use of the principal building or parcel of land.

**Adult business** - Any premises within the city where members of the public, or any person for consideration, are offered any live or recorded performance, or any visual image tangibly fixed in any medium, which performance, image, or recording has as its primary or dominant theme subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and which performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. ch. 847.

**Adult day care** - Any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the twenty-four-hour day, basic services to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

**Adult congregate living facility** - Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding

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twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator, not including substance abuse facilities.

**Animal boarding** means any place of business where dogs and/or cats are maintained for overnight boarding for a fee. Animal boarding facility may include grooming but shall not include any animal control center or any veterinary hospital, or any animal facility operated by any subdivision of local, state or federal government. Animal boarding facility shall not include any research facility subject to inspections under any provision of any state and/or federal law.

**Animal grooming** means all stores, shops or other business wherein animals are accepted for personal treatment not overnight such as, but not limited to, hair trimming, fur cutting, bathing, washing, pedicuring, combing or brushing, shampooing, or any and all other measures and treatments designed or performed for the purpose of improving the cleanliness or appearance of animals.

**Appliance, furniture and electronic rental and repair** means any place of business which provides for the repair and rental of small appliances, electronics and furniture.

**Artist workspace** means a space for the production of art works.

**Automobile service station** means any building, structure, or lot used for the following: dispensing, selling or offering for retail sale gasoline, kerosene, lubricating oil, biofuels, electric charging stations or grease for the operation and maintenance of vehicles. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of candy, soft drinks and other related items for the convenience of the motoring public, and may include facilities for hand car washing, lubricating, minor repairs or vehicle service. Such establishments shall not include facilities for major vehicle service.

**Banquet hall** means a facility or hall available for lease by private parties for the purpose of dining and social events.

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**Bar, lounge or tavern** shall mean any place of business where alcoholic beverages are sold or offered for sale for consumption on the premises and where the sale of food is incidental to the sale of such beverages or where no food is sold, and includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a principal use. Establishments where alcoholic beverages are permitted for consumption on the premises as an incidental or accessory use are not considered a bar.

**Cafeteria** means a place where food is obtained by self-service and eaten on or off the premises.

**Catering kitchen** means a facility for the preparation of food items to be served at events and/or at venues off-premises.

**Carwash, hand** means a for-profit service involving the washing and/or waxing, and/or buffing of vehicles by hand labor. This definition shall not include self-service mechanical hose car washes, or car washing operations serving as an incidental use to businesses which are primarily involved in the selling, renting or leasing of vehicles.

**Car washing** means the operation performed on a vehicle in order to clean it; it may include both exterior and interior washing and cleaning functions.

**Car washing, mechanical** means a structure containing facilities for the automatic or semi-automatic washing, waxing and drying of automobiles.

**Child care center** includes any child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in F.S. § 402.302 5;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;

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(d)Bible schools normally conducted during vacation periods; and

(e)Operators of transient establishments, as defined in F.S. ch. 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of F.S. ch. 435.

**Community facility** means a building or facility owned and operated by a governmental, civic, fraternal or veterans organization or association or nonprofit entity which is open to the public or a designated part of the public for recreational, social and educational activities, which primarily serve the immediate community in which the facility is located.

**Community residential home** means a dwelling unit licensed to serve residents, who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or a dwelling unit licensed by the agency for health care administration which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

**Consignment shop** means an establishment wherein goods limited to clothing, shoes and/or accessories for adults and/or children are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the profits, or other consideration. Such goods may be comprised of a combination of used goods and new goods, or of used goods only.

**Convenience retail use** means a retail use, not exceeding 1,000 square feet, that is an accessory use in and serves residents and visitors in residential buildings with 200 or more units.

**Crematory** means a building containing a furnace for cremation...

**Day care** means an enterprise involving the care of no more than five (5) preschool and elementary school children from more than one (1) unrelated family including preschool

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children living in the home and preschool children received for day care who are related to the resident care giver.

**Day spa** means an establishment that provides at least three (3) services for personal wellness or grooming (including massage and body care treatments, facials, and other aesthetic treatments) and no more than one (1) chair for makeup or hair treatments.

**Design excellence** means architectural designs which rise above the ordinary because of design, treatments and materials which provide character and diversity and contribute to establishing an "address" and a sense of place. In judging the design excellence of a particular design, the city shall consider the extent to which the use of at least five (5) of the following elements creates the character and diversity of excellence:

1. Cornice lines on buildings facades fronting on public streets at a height between eighteen (18) and forty-two (42) feet to define the vertical element of the streetscape.
2. Facade articulations to animate buildings and to mitigate the mass of the building.
3. Decorative building tops to give the building a visible identity and signature quality and character.
4. Arcades fronting on sidewalks along major streets.
5. Architectural windows and doors.
6. Street level grand entrance.
7. Natural materials and high quality finishes.
8. Sidewalks, plazas, lobbies of stone or pavers.
9. Balconies and loggias to break up the mass of building walls.
10. Decorative ground level lighting, including street lights.
11. Disguised parking structures with an integrated architectural scheme.
12. Integrated public art program.
13. Comprehensive sign program with integrated architectural scheme.

**Drive-through** means a driveway or roadway that is designed and intended to provide access for vehicles whereby occupants of vehicles receive and/or obtain a product or service.

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**Dry cleaning** means any fully equipped steam laundry or dry cleaning and dyeing establishment wherein the actual processing of garments is done. A dry cleaning establishment shall also engage in collecting clothes from customers, over the counter, processing them, and returning them to the customers.

**Dry cleaning plant** means a facility in business to provide dry cleaning services, on a large scale, for offsite customers. A dry cleaning plant is an industrial operation, is not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.

**Educational facility** means a building or group of buildings used primarily as an institution of higher learning established and operated for profit or not-for-profit, or recognized by the State of Florida as an institution offering post high school curriculum, including college/university dormitories.

**Fine arts studio** means a facility for the instruction and/or rehearsal of fine arts, including but not limited to music, dance, and painting.

**Flea markets and bazaars** mean markets, often outdoors, consisting of a number of individual stalls selling old or used articles, curios and antiques, cut-rate merchandise, etc.

**Fleet operations** means a single corporation that operates and maintains its own fleet of vehicles for transportation related services.

**Funeral home** means an establishment with facilities for the preparation of the dead for burial, for viewing of the deceased and for funerals.

**Green building principles** means principles consistent with those established by the United States Green Building Council (USGBC) or the Florida Green Building Coalition from time to time.

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**Gun shop** means an establishment engaged in the business of selling firearms, regardless of whether said business is solely engaged in the sale of firearms or sells firearms and additional merchandise.

**Home occupation** means an occupation, craft or profession conducted entirely within a dwelling unit such that the use is incidental to the residential use of the dwelling unit and does not change the residential character of the dwelling unit.

**Hospital** means a building or group of buildings having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices.

**Hotel/motel/lodging** means a building in which lodging or boarding and lodging are provided and offered to the transient public, emphasizing tourist and business travelers for compensation in which ingress and egress to and from all rooms is made through an inside lobby or office which is supervised normally by a person at all hours. As such it is open to the transient public in contrast to a condo hotel, boarding, lodging house/lodging or an apartment building.

**Impervious** means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces such as compacted sand, lime rock, shell or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

**Industrial** means manufacturing, assembly and processing of materials, including outdoor storage of materials, transmission of TV and radio, including tire vulcanizing, retreading or sale of used tires and the sale of building materials.

**Industrial kitchen** means a facility for the preparation of food items off-premises.

**Industrial, light** means a use involving limited showrooms, accessory offices, fabrication, or processing of materials that are already in processed form, warehousing, wholesaling,



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distribution, communication, scientific and research facilities but not including outdoor storage.

**Industrial and office flex space** means a building providing a flexible configuration of office and/or showroom space combined with light industrial/light manufacturing.

**Institutional** means a use that serves the educational or cultural needs of the community, including museums and other similar uses.

**LEED (leadership in energy and environmental design) certification** means the rating system established by the United States Green Building Council (USGBC) or in the case of bonuses described in article 4 of this Code, the Florida Green Building Coalition.

**Live-work space** means a space that combines a workspace and living quarters.

**Liquor package store** means a state licensed vendor selling alcoholic beverages in sealed containers only for consumption off the premises subject to the limitations provided in chapter 3 (alcoholic beverages) of the City's Code of Ordinances.

**Manufacturing** means the transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, a bottling plant, brewery or food product processing, packaging and storage, but not including research and technology production uses.

**Manufacturing, light** means manufacturing activities as defined above, that can take place in a single enclosed building, with no outdoor storage.

**Marina** means a recreational boating establishment located on a waterway, which may provide covered or uncovered boat slips, or dock space, dry boat storage, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and boat motor sales or rentals. Repairs which are incidental to the principal marine use are permitted as an

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accessory use; however, no dredge, barge or other work dockage or service is permitted, and no boat construction or reconstruction is permitted.

**Medical** means an office, health care facility, or clinic, licensed by the State of Florida or operated by two (2) or more physicians or medical practitioners licensed by the State of Florida, that is not part of a hospital and that provides elective care for patients on-site who remain less than twenty-four (24) hours. Medical clinics shall not include sanitariums, convalescent homes, or nursing homes but may include, but is not limited to, outpatient surgical clinics and sleep disorder centers.

**Mixed-use development** means a development that encompasses two (2) or more uses (example: multi-family residential and office; multifamily residential and commercial/retail; office/retail; or any other combination of two (2) or more uses).

**Nightclub** means a restaurant, dining room or other establishment, which operates after 11:00 p.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee.

**Nonconforming structure** means a building or structure lawfully established which does not conform to the requirements of these land development regulations for location or other dimensional requirement for such building or structure in the zoning district assigned to the property, i.e., the minimum setback, maximum height, maximum building coverage, parking or landscaping.

**Nonconforming use** means a use which exists lawfully prior to the effective date of these land development regulations and is maintained at the time of and after the effective date of these land development regulations, although it does not conform to the use restrictions of these land development regulations.

**Nursing or convalescent home** means a home, institution, building or residence, public or private, whether operated for profit or not which provides maintenance, personal care or nursing for a period exceeding twenty-four (24) hours to three (3) or more ill, physically

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inform or aged persons, who are not related by blood or marriage or adoption to the operator.

**Office** means a use involving a business, profession, service, including banks and financial institutions, or government activity which does not involve retail activities on site and not including veterinary offices and problematic uses.

**Open space** means ground level areas on a lot which are landscaped or designed for pedestrian or recreational use, including covered arcades and plazas under buildings which are accessible to the public.

**Overlay district** constitutes a set of regulations which are superimposed upon and supplement, but do not replace, the underlying zoning district and regulations otherwise applicable to the designated areas.

**Passenger terminals** means a facility where passengers board and disembark from mass transportation modes (i.e. buses, trains, airplanes...)

**Plaza** means an area that is open to the public for passive recreational purposes, limited public assembly and social interaction which is designed and intended for common use and employment of the public.

**Private club** means a property owned or leased and operated by an individual, group, or an association of persons and maintained and operated solely by and for the members of such a group or association and their guests and which is not available for unrestricted public access or use.

**Public art** means the creative application of skill and taste by artists to the production of permanent tangible objects according to aesthetic principles, including but not limited to: paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, and bas-reliefs. The following shall not be considered public art:

a) Art objects which are mass produced;

***Article IV. Districts,  
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- b) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;
- c) Architectural rehabilitation or historical preservation;
- d) Signs or business logos.

**Public facilities** mean facilities relating to comprehensive plan elements required by F.S. § 163.3177 and for which level of service standards must be adopted under F.A.C. ch. 9J-5. The public facilities and services mean roads, sanitary sewer, solid waste, drainage, potable water, recreation and mass transit.

**Public park** means a park, playground, swimming pool, community center, reservoir, golf course, or athletic field, within the city, which is under the control, operation, or management of the city or any other governmental agency.

**Public utility** means any state-regulated facility for rendering electrical, gas, communications, transportation, water supply, sewage disposal, drainage, garbage or refuse disposal or fire protection service or the like, to the general public.

**Recording and TV/radio/film** means a station or facility for the production of radio and television broadcasts, videos or films and/or the recording of film or sound.

**Recreation/entertainment, indoor** means a business which is open to the public where customers pay the proprietor for the use or enjoyment of recreational facilities or equipment within an enclosed building. This category of use includes: auditoria, bowling alleys, movie theaters, racquetball facilities, skating, fitness centers, gymnastic facilities, and billiard facilities.

**Recreation/entertainment, outdoor** means a business which is open to the public where customers pay for the use of recreational facilities or equipment on site but not within an enclosed building.

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**Recycling Center** means a site where recyclable waste is collected, sorted and/or processed.

**Research and technology use** means a use such as medical, optical and scientific research facilities, laboratories, pharmaceutical compounding and photographic processing facilities and facilities for the assembly of electronic components, optical equipment and precision instruments or laboratories or buildings the primary use of which is the research, testing and development of goods, materials, foodstuffs or products.

**Residential** means a single-family or multifamily dwelling unit which contains a sleeping area, bathroom, kitchen and eating area.

**Restaurant** means a facility with the following characteristics: a varied, nonstandardized menu; preparation of food by cooks or chefs; primary orientation to eat-in service; utilization of nondisposable eating utensils, plates, glasses, and cups; waiter or waitress service at tables. Restaurant also means a restaurant facility with the following characteristics: standardized limited menu; fast food preparation; orientation to take-out or eat-in service; utilization of disposable eating utensils and packaging; no waiter or waitress service at the tables.

**Retail, sales, and service** mean a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25) percent of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

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**School** means an educational institution, public or private, within the city, offering a curriculum acceptable by local and state educational officials to fulfill legal requirements of education for nursery, elementary through high school levels, or any part thereof.

**Shipping container architecture** means the use of steel intermodal containers as a structural element.

**Single family attached** means two single family units with a common wall, common land ownership, separate unit ownership, and an established homeowner association.

**Storage, Outdoor** means any outdoor lot that is primarily uses for the storage of goods and materials.

**Storage and wholesaling facility** means any premises where the principal use is the storage of goods and materials, or the sale of goods and materials in bulk quantities primarily for purposes of resale.

**Storage warehouse** means a structure which is designed and used for the containment of bulk products or materials of either dry, liquid, or cold storage nature and where goods are received and/or stored for delivery to an ultimate customer at remote locations primarily for the purpose of resale.

**Townhouse** means a building or structure designed for or occupied by no more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof, providing two (2) direct means of access from the outside, and cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. A townhouse may include a building or structure in fee simple, condominium, cooperative or leasehold ownership or any combination thereof

**Used vehicle parts sales** means the offering of used detached automobile parts for sale without onsite dismantling or storage of inoperable or salvage vehicles. Onsite dismantling

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and storage of inoperable vehicles or chassis for parks is prohibited. All parts storage shall be within a wholly enclosed building.

**Vehicle rental** means the leasing or rental of new or low mileage automobiles, small trucks (one (1) ton and under) and vans (less than one (1) ton) on a single parcel of land in the B-1 district, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing.

**Vehicle sales/displays** means a business or commercial activity involving the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service. The sale of previously owned vehicles shall only be permitted as subordinate to the principal use.

**Vehicle sales/displays, major** means a business or commercial activity involving the display and/or sale or rental of boat and marine vessels, recreational vehicles, heavy equipment, mobile homes, and other vehicular or transport mechanisms and including vehicle service.

**Vehicle sales/displaysused** means a business or commercial activity involving the display, rental and/or sale of used and/or retitled automobiles, small trucks and vans on a single parcel of land, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing of boat and marine vessels, recreational vehicles, heavy equipment, mobile homes, and other vehicular or transport mechanisms and including vehicle service.

**Vehicle service, major** means vehicle and boat repairs conducted entirely inside a building which include engine repairs where the cylinder head, pan or exhaust manifold is removed; steam cleaning of engines; undercoating; vehicle spray painting; auto glass repair and replacement; repair and replacement of transmission, differential, transaxles, shaft and universal joints, wheel and steering linkages and assemblies; rebuilding and upholstering the interior of vehicles; customizing, restoration or rebuilding of vehicles; chassis, frame, body, fender and bumper molding, straightening, replacement and finishing; and repairs involving extensive welding, racing of engines or lengthy or overnight idling of engines.

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**Vehicle service, minor** means an activity conducted entirely within an enclosed structure primarily involved in servicing or repairing of automobiles, motorcycles, trucks, recreational vehicles and other similarly sized vehicular or transport mechanisms or heavy machinery. Vehicle services include washing, waxing, changing oil, tuning, installing mufflers or detailing, window tinting, shock absorbers, and painting.

**Veterinary clinics** means an establishment providing for the short-term care of domestic animals by a veterinarian when such is conducted wholly within a building having no provision for outside storage and for which the keeping of animals is limited to short-term medical care.

Sec. 22-77.                      Schedule of Districts and Official Zoning Map

In accordance with these land development regulations, the City is hereby divided into the following Zoning Districts. See Exhibit \_\_, *Official Zoning Map*. The Districts are consistent with, and implement, the City's adopted Future Land Use Map and Comprehensive Plan.

Map Code	Zoning District	Future Land Use District
R-1	Single-Family Residential District (R-1)	Low Density Residential, Downtown Mixed Use, Magnolia Gardens Mixed, Magnolia North Mixed Use, Corridor Mixed Use



**Article IV. Districts,  
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R-2	Duplex Residential District (R-2)	Low-Medium Density Residential, Downtown Mixed Use, Magnolia North Mixed Use
R-3	Multiple-Family Residential (Moderate Density) District	Moderate Density Residential, Downtown Mixed Use, Corridor Mixed Use
R-TH	Residential Townhouse District	Moderate Density Residential, Downtown Mixed Use, Magnolia Gardens Mixed Use, Corridor Mixed Use
R-4	Multiple-Family Residential (Medium Density) District	High Density Residential, Downtown Mixed Use, Corridor Mixed Use
B-O	Business Office District	Commercial, Downtown Mixed Use, Magnolia North Mixed Use, Corridor Mixed Use

**Article IV. Districts,  
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B-1	Commercial Neighborhood Business District	Commercial, Downtown Mixed Use, Magnolia North Mixed Use, Corridor Mixed Use
B-2	Liberal Commercial District	Commercial, Downtown Mixed Use, Magnolia Gardens Mixed Use, Corridor Mixed Use
B-3	Intensive Commercial District	Commercial, Corridor Mixed Use
I-1	Limited Industrial District	Industrial, Corridor Mixed Use, Downtown Mixed Use
I-2	Liberal Industrial District	Industrial, Corridor Mixed Use
I-3	Liberal Industrial District, Automobile Salvage and Storage	Industrial
C	Civic	Public, Downtown Mixed Use, Magnolia Gardens Mixed Use, Corridor Mixed Use

**Sec. 22-78. Prohibited Uses and Structures**

- A. Any use that is specifically listed as a prohibited use shall be prohibited.

**Article IV. Districts,  
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Development Standards**

- B. Unless a use is specifically listed as a permitted or conditional use, or is deemed by the Director or his designee to be by the application similar to a listed permitted or conditional use, it shall be prohibited.
- C. No building shall exceed the height limit established for the District in which it is located, unless the height limit can be exceeded through application of a development bonus.
- D. Buildings shall conform to the yard, setback, open space, lot area, building location, and bulk regulations established for the District in which they are located.

Sec. 22-79. Permitted Uses Table – Residential Districts

P=Permitted S=Special Exception A=Accessory AR=Administrative Review

Blank = not permitted

Use	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-TH</u>	<u>R-4</u>
Awnings, canopies, carports, roof overhangs, balconies, architectural structures	A	A	A	A	A
Child care center		SE	SE	SE	SE
Community residential (group), 6 and under		SE	SE	SE	SE
Construction Trailer, Temporary	A	A	A	A	A
Day care centers		P	P	P	P
Dumpster enclosures			A	A	A
Duplex Residential		P			
Eco-friendly accessory structures and features (i.e. solar panels, wind turbines),	A	A	A	A	A

**Article IV. Districts,  
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Development Standards**

Enclosed recreation areas - common			A	A	A
Gatehouses/guardhouse			A	A	A
Generators - permanent	A	A	A	A	A
Home occupations	P	P	SE	SE	SE
Maintenance building - common			A	A	A
Management office/sales office			A		A
Multi-family recyclable material storage area			A		A
Multi-Family Residential, high density					P
Multi-family residential moderate density			P		P
News racks			A		A
Nursing homes/adult congregate living facilities			SE		SE
Off-street parking structures			A		A
Outdoor recreation areas - common			A	A	A
Portable storage units	A	A	A	A	A
Public schools and charter schools	P	P	P	P	P
Religious institutions	SE	SE	SE	SE	SE
Screen Enclosures	A	A			
Single Family Residential detached	P	P			
Single Family Residential attached	SE	P	P	P	P

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

Swimming pools, spas, tennis courts, ball courts	A	A	A	A	A
Townhouses		P	P	P	P
Unattached garages/carports	A	A		A	
Utility sheds, storage buildings, fallout shelters	A	A	A	A	A
Watchmen, manger or caretakers quarters – permanent, temporary			A		A
Wireless antenna support structures, amateur radio antennas	A	A	A	A	A

Sec. 22-80. - Permitted Uses Table – Commercial Districts

<u>Use</u>	<u>B-O</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Awnings, canopies, carports, roof overhangs, balconies, architectural structures	A	A	A	A
Adult bookstore				SE
Adult daycare	SE	SE	SE	
Animal boarding			SE	P
Artist studio	P	P	P	
Animal grooming		SE	P	P
Appliance, furniture, electronic repair and rental		P	P	
Auto service station			SE	SE
Banquet hall		SE	P	
B-1 first uses		P	P	P

**Article IV. Districts,  
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B-2 first uses			P	P
Bar, lounge or tavern			SE	SE
Cafeteria	P (off-premises only)	P	P	P
Catering kitchen			P	P
Child care centers		SE	P	
Community facilities		SE	SE	SE
Commercial Recycling Storage Areas	A	A	A	A
Consignment shop		P	P	
Construction trades				P
Construction Trailer, Temporary	A	A	A	A
Convenience retail	A			
Convention centers		SE	P	
Crematory				SE
Day spa			P	P
Donation bins	A	A	A	A
Drive through		SE	P	P
Dry cleaning		SE	P	
Dumpster Enclosures	A, required	A	A	A
Eco-friendly accessory structures and features (i.e. solar panels, wind turbines),	A	A	A	A
Educational facilities		SE	P	
Farmers' Market			SE	SE
Fine arts studio	P	P	P	
Flea markets and bazaars		SE	SE	P
Funeral homes		SE	SE	P

**Article IV. Districts,  
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Development Standards**

Generators - permanent	A	A	A	A
Gun shops				SE (sales only)
Hospitals		SE	P	
Hotel/motel/lodging		SE	P	
Industrial, light (within a enclosed building)				P
Industrial Kitchen				P
Institutional		SE	P	
Liquor package store			SE	SE
Live/work spaces	P		SE	SE
Maintenance Building, common	A	A	A	A
Manufacturing, light (within an enclosed building)				P
Mechanical car washing (enclosed building)			SE	SE
Medical		P	P	
Microbrewery (must comply with federal, State and County regulations)				SE
Nursing and convalescent home		SE	SE	SE
Motion picture studios				P
Nursing and convalescent homes	SE	SE	SE	
Offices	P	P	P	P
Outside hand car wash, accessory to auto service station			AR	AR

**Article IV. Districts,  
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Parking lots, public		P	P	P
Passenger terminals			P	P
Pawn Shops (no gun sales)				P
Private clubs			P	P
Private schools	SE	SE	SE	SE
Public facilities		P	P	P
Public and charter schools	SE	SE	SE	SE
Public parks	P	P	P	P
Recording and TV/Radio				P
Recreation/Entertainment Indoors			P	P
Recreation/Entertainment Outdoors			P	P
Religious institutions	SE	SE	SE	SE
Research and technology uses				P
Retail, sales and services		P	P	P
Restaurants without drive through windows		SE	P	P
Self-service laundries		P	P	P
Self-storage				P
Vehicle rental		P	P	P
Vehicle sales/displays			SE	SE
Vehicle sales/displays major				SE
Vehicle sales/displays used				SE
Vehicle service/minor			P	P
Vending machines, video arcade games	A	A	A	A



**Article IV. Districts,  
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Development Standards**

Veterinary clinic		SE	P	P
Watchman, manager or caretakers quarters – permanent, temporary	A	A	A	A
Wireless antenna support structures, amateur radio antennas	A	A	A	A

Sec, 22-81. Permitted Uses Table – Industrial Districts

<u>Use</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>
Adult businesses		SE	P	
Automobile or auto parts junkyards				P
Auto broker as per Ordinance 11-05	P	P	P	
Auto service station (filling station for service vehicles for a licensed business, not visible from street)	P	P	P	
Automotive wrecking yards				P
Awnings, canopies, carports, roof overhangs, balconies, architectural structures	A	A	A	
B-1 first uses	P (adjacent to residential)			
B-3 first uses	P	P	P	
Biomedical Research	P	P	P	

**Article IV. Districts,  
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Cement and clay products		SE		P
Commercial recyclable material storage area	A	A	A	
Construction trades	P	P	P	
Construction trailer - temporary	A	A	A	
Crematory/Embalming	P	P	P	
Donation bins	A	A	A	
Dry cleaning plant		P	P	
Eco-friendly accessory structures and features (i.e. solar panels, wind turbines),	A	A	A	
Enclosed recreation area - common	A	A	A	
Farmers' Market	P			
Fleet operations		P	P	
Gatehouse, guardhouse	A	A	A	
Generators, permanent	A	A	A	
Gun shops	SE (sales only)		SE	
I-1 first uses	P	P	P	
I-2 first uses		P		
I-3 first uses			P	
Industrial kitchen	P		P	
Industrial, light	P	P	P	
Industrial		P		
Industrial and office flex space	P		P	
Live/work spaces	SE			

**Article IV. Districts,  
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Maintenance building, common	A	A	A	
Manufacturing		P		
Manufacturing, light	P	P	P	
Microbrewery (must comply with federal, State and County regulations)	SE	P	P	
Motion picture studios	P	P	P	
Nightclub			P	
Outdoor storage		P		
Passenger terminals	P	P	P	
Petroleum storage tank not exceeding 30,000 gallons		P		
Public utility structures	P	P	P	P
Recording and TV/Radio/Film	P		P	
Recycling center inside a wholly enclosed building		P		
Outside Recycling Center				P
Religious Facilities	SE		SE	
Retail(of products manufactured in District, not to exceed 20% of the floor area)	P	P	P	
Rock and sand yards		P		P
Saw mills		P		P
Scrap metal yards				P
Shipping Container	SE	SE	SE	SE

**Article IV. Districts,  
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Architecture Retail and/or Office (stacking no more than three)				
Storage and wholesaling facility	P	P	P	
Storage of attached or unattached used auto parts and tires				P
Storage, warehouse	P	P	P	
Tractor Trailer Truck and/or Major Vehicle (10,000 lbs. or greater) Parking		P	P	
Used vehicle parts sales, other than automobile or auto parts junkyards		P		
Utility sheds, storage buildings, fallout shelters	A	A	A	A
Vehicle sales in an enclosed area	P	P	P	
Vehicle service/major	P	P	P	
Wireless antenna support structures, amateur radio antennas	A	A	A	A

Sec. 22-82. Permitted Uses Table – Mixed Use and Civic Districts

<u>Use</u>	<u>DMU</u>	<u>MXUOD</u>	<u>MNMU</u>	<u>C</u>
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**Article IV. Districts,  
Permitted Uses and  
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Artist workspace	P	P	P	
Auto service station		SE		
Awnings, canopies, carports, roof overhangs, balconies, architectural structures	A	A	A	A
Bar, lounge or tavern	SE	SE		
Catering kitchen	P	P		
Child care center	P	P	P	
Commercial recyclable material storage area	A	A	A	
Community facilities	P	P	P	P (public)
Consignment shops	P	P		
Construction trailer, temporary	A	A	A	A
Convention centers	P			
Day care centers	P	P	P	
Day spa	P	P		
Donation bins	A	A	A	A
Eco-friendly accessory structures and features (i.e. solar panels, wind turbines),	A	A	A	A
Educational facilities	SE	SE		SE
Enclosed recreation areas – common	A	A	A	A
Fine arts studio	P	P		
Gatehouses, guardhouses	A	A	A	A
Generators, permanent	A	A	A	A
Home occupations	P	P	P	
Hospitals				P (public)
Hotel/Motel/Lodging	P	P		
Institutional	P	P	P	P
Laundry and dry cleaning drop-off, pick up	P	P		

**Article IV. Districts,  
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Live/work spaces	P	P	P	
Maintenance building, common	A	A	A	A
Medical	P	P		
Municipal and other government buildings, facilities	P	P	P	P
Office	P	P	P	
Parks and recreation facilities	P	P	P	P (public)
Passenger terminals	SE	SE		
Private parking facilities	P	P	P	
Private schools	P	P	P	
Public and charter schools	P	P	P	P
Public facilities	P	P	P	P
Public parks	P	P	P	P
Public parking facilities	P	P	P	P
Public utility				P
R-3 uses	P	P		
R-4 uses	P	P		
R-TH uses		P		
Recreation/Entertainment, Indoor	P	P	P	
Religious facilities	SE	SE	SE	
Restaurants without drive through windows	P	P	P	
Retail, sales and services	P	P	P	
Travel facility for trucks		SE		
Uses allowed in underlying zoning district	P	P	P	
Vending machines, video arcade games	A	A		
Vertical mixed use buildings	P	P	P	
Wireless antenna support, amateur radio antennas	A	A	A	A

Sec. 22-83. R-1, Single Family Residential District

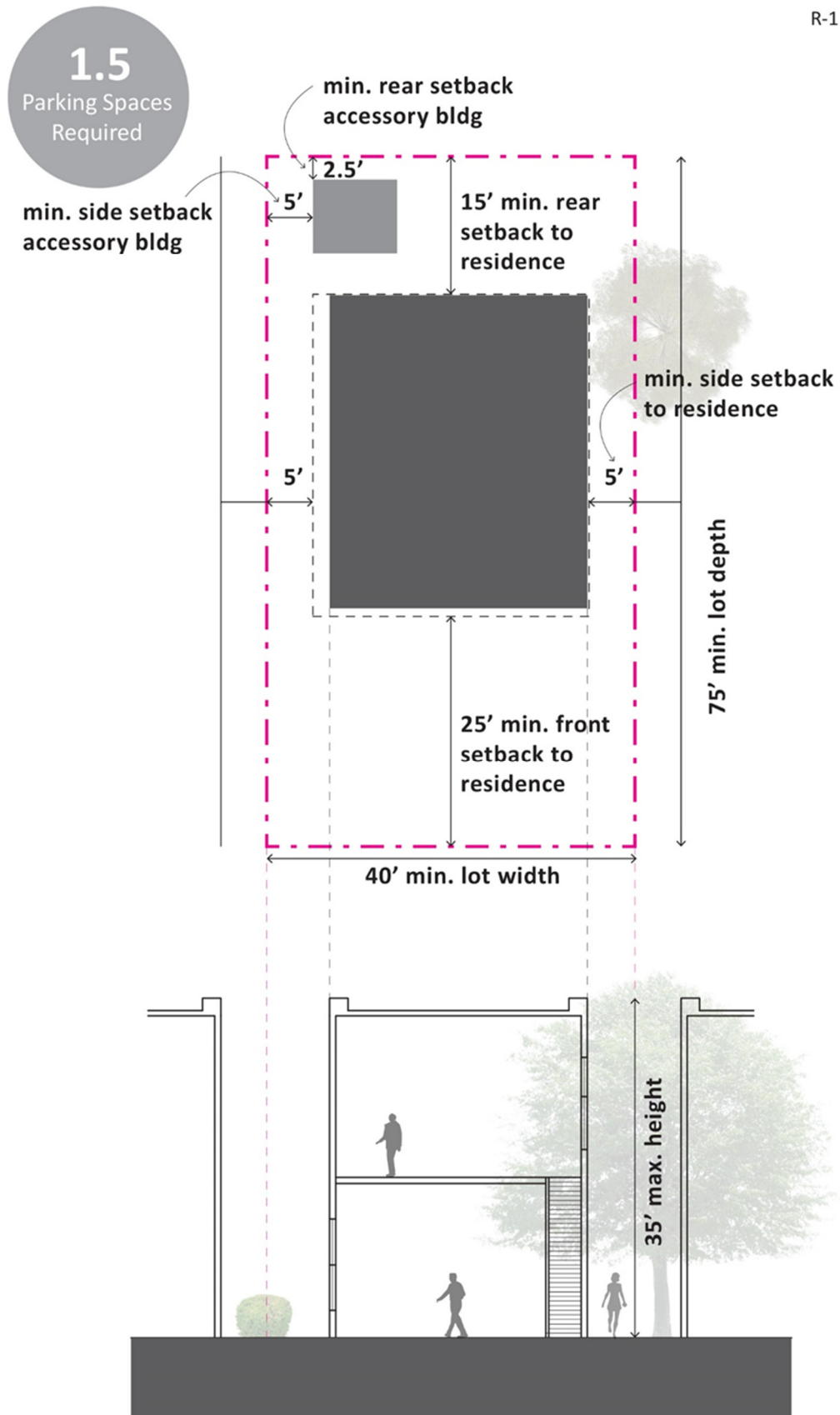
**Article IV. Districts,  
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The Single Family Residential District provides for single family detached dwelling units, and other listed permitted uses.

Table of Standards

<u>Standard</u>	<u>R-1</u>
Density	Maximum of nine (9) units per acre. Higher densities may be permitted only if the site is located in a mixed use overlay district and meets associated development standards, and is located in a Future Land Use District that permits the requested density.
Minimum Lot Area	<del>5,000</del> <u>4,800</u> square feet (smaller lots for new housing products)
Minimum Lot Width	40 feet
Minimum Lot Depth	75 feet
Minimum Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 15 feet
Maximum Height	2 stories, 25 feet
Minimum Unit Size	900 square feet (s.f.)
Maximum Impervious Area	60 percent of Lot Area
Accessory Structure Height	14 feet
Accessory Structure Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 2.5 feet

# R-1 Single Family Residential District





# R-1 Single Family Residential District

*with Side Street*

**1.5**  
Parking Spaces  
Required

min. side setback  
accessory bldg

min. side street  
setback to  
residence

side street

min. rear setback  
accessory bldg

15' min. rear  
setback to  
residence

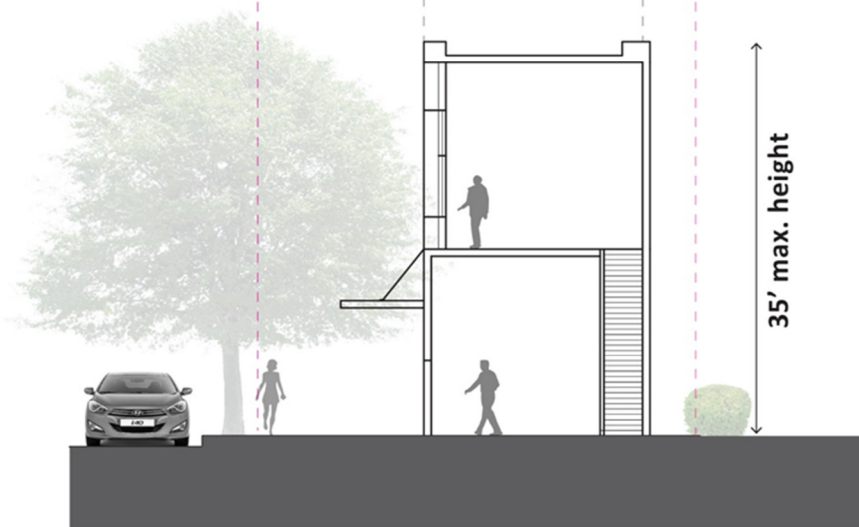
min. side setback  
to residence

25' min. front  
setback to  
residence

75' min. lot depth

40' min. lot width

35' max. height



# R-1 visual plan

R-1



**Article IV. Districts,  
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Sec. 22-84. R-2 Two Family Residential District

The Two Family Residential District provides for duplex residential uses, and other listed permitted uses.

Table of Standards

<u>Standard</u>	<u>R-2</u>
Density	9.1—12 <u>18</u> units per acre. Higher densities may be permitted only if the site is located in a mixed use overlay district and meets associated development standards, and is located in a Future Land Use District that permits the requested density.
Minimum Lot Area	<del>3,750</del> <u>4,800</u> square feet <del>per unit</del>
Minimum Lot Width	50 feet
Minimum Lot Depth	75 feet
Minimum Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 15 feet If detached, spacing between structures shall be 10 feet
Maximum Height	2 stories, 35 feet
Minimum Unit Size	750 square feet (s.f.) for two bedroom unit, 600 s.f. for one bedroom unit
Maximum Impervious Area	60 percent of Lot Area
Accessory Structure Height	14 feet
Accessory Structure Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 2.5 feet

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

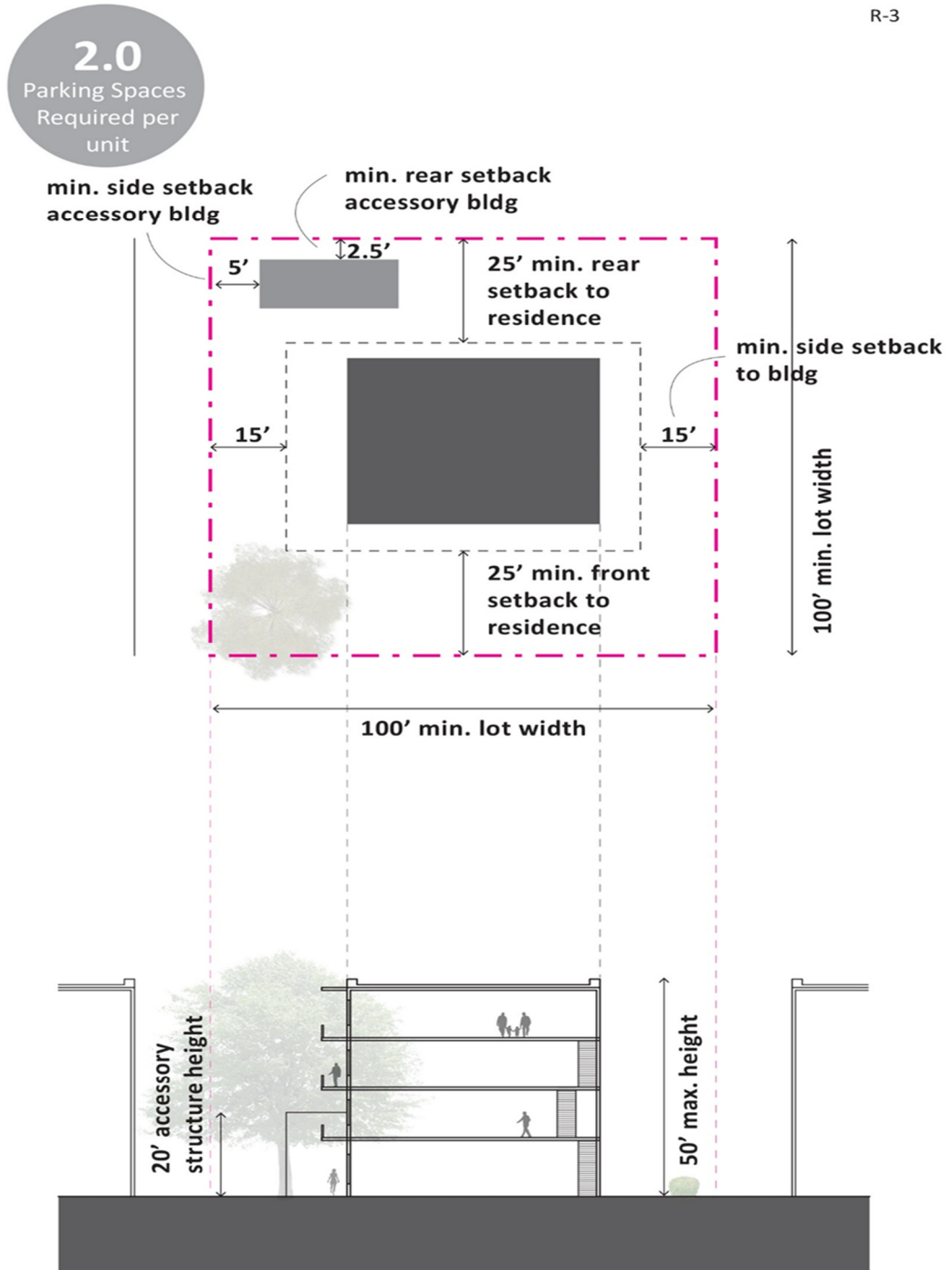
## Sec. 22-85. R-3 Moderate Density Residential District

The Moderate Density Residential District provides for moderate density multi-family uses that serve as a transition between duplex residential uses, and other listed permitted uses.

Table of Standards

<u>Standard</u>	<u>R-3</u>
Density	<p><del>Garden Apartment, Two Stories, 8-12 units per building 12-1—16</del> <u>30-36</u> units per acre.</p> <p>Higher densities may be permitted only if the site is located in a mixed use overlay district and meets associated development standards, and is located in a Future Land Use District that permits the requested density. <u>Apartment Building – Live/Work Development, Three to Four Stories, 15-30 units per building 40-75 units per acre.</u></p>
Minimum Site Area	<del>10,000</del> <u>9,600</u> square feet; <u>Apt Bldg-Live/Work MU District- Minimum Site Area 17,500 square feet</u>
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Setbacks	Front – 25 feet Side, interior lot – 15 feet Side, street – 20 feet Rear – 25 feet
Maximum Height	4 stories or 50 feet
Minimum Unit Size	500 square feet (s.f.) for efficiency units, 625 s.f. for one bedroom units; 750 s.f. for two bedroom units; 1,000 s.f. for three bedroom units, exclusive of garages, carports, terraces, breezeways and porches
Maximum Impervious Area	80 percent of Site
Accessory Structure Height	20 feet
Accessory Structure Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 2.5 feet

# R-3 Moderate Density Residential District



R-3

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

Sec. 22-86. R-TH Residential Townhouse District

The Residential Townhouse District provides for moderate density townhouse residential neighborhoods. Townhouses are two or more attached dwelling units, usually two stories, served by separate utility services. Innovative design is encouraged.

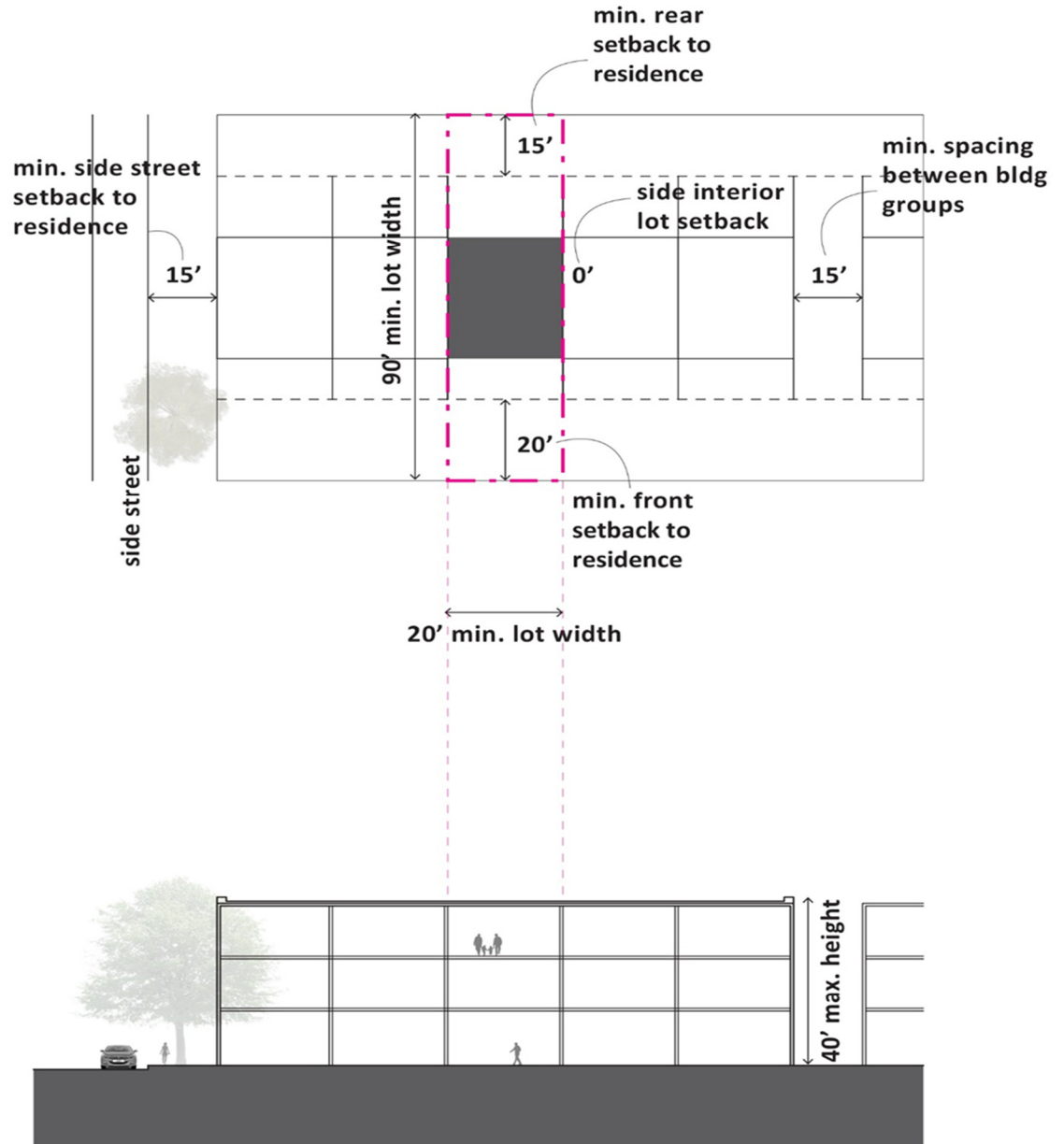
Table of Standards

<u>Standard</u>	<u>R-TH</u>
Density	Townhouse/Quads 4-6 units per building <del>12-14</del> <u>20-24</u> units per acre. Higher densities may be permitted only if the site is located in a mixed use overlay district and meets associated development standards, and is located in a Future Land Use District that permits the requested density.
Minimum Site Area	<del>10,000</del> <u>7,500</u> s.f. Individual unit lots must have a minimum of 1,500 s.f.
Setbacks	Front – 20 feet Side, interior lot – 0 feet Side, street – 15 feet Space between buildings – 15 feet Rear – 15 feet
Maximum Height	3 stories or <del>40</del> <u>35</u> feet
Minimum Unit Size	750 square feet (s.f.) for two bedroom units, 625 s.f. for one bedroom units, exclusive of garages, carports, terraces, breezeways and porches
Maximum Impervious Area	80 percent of Site
Accessory Structure Height	14 feet
Accessory Structure Setbacks	Rear – 2.5 feet

R-TH

# R-TH Residential Townhouse District

**2.0**  
Parking Spaces  
Required per  
unit



**Article IV. Districts,  
Permitted Uses and  
Development Standards**

**Sec. 22-87. R-4 High Density Residential District**

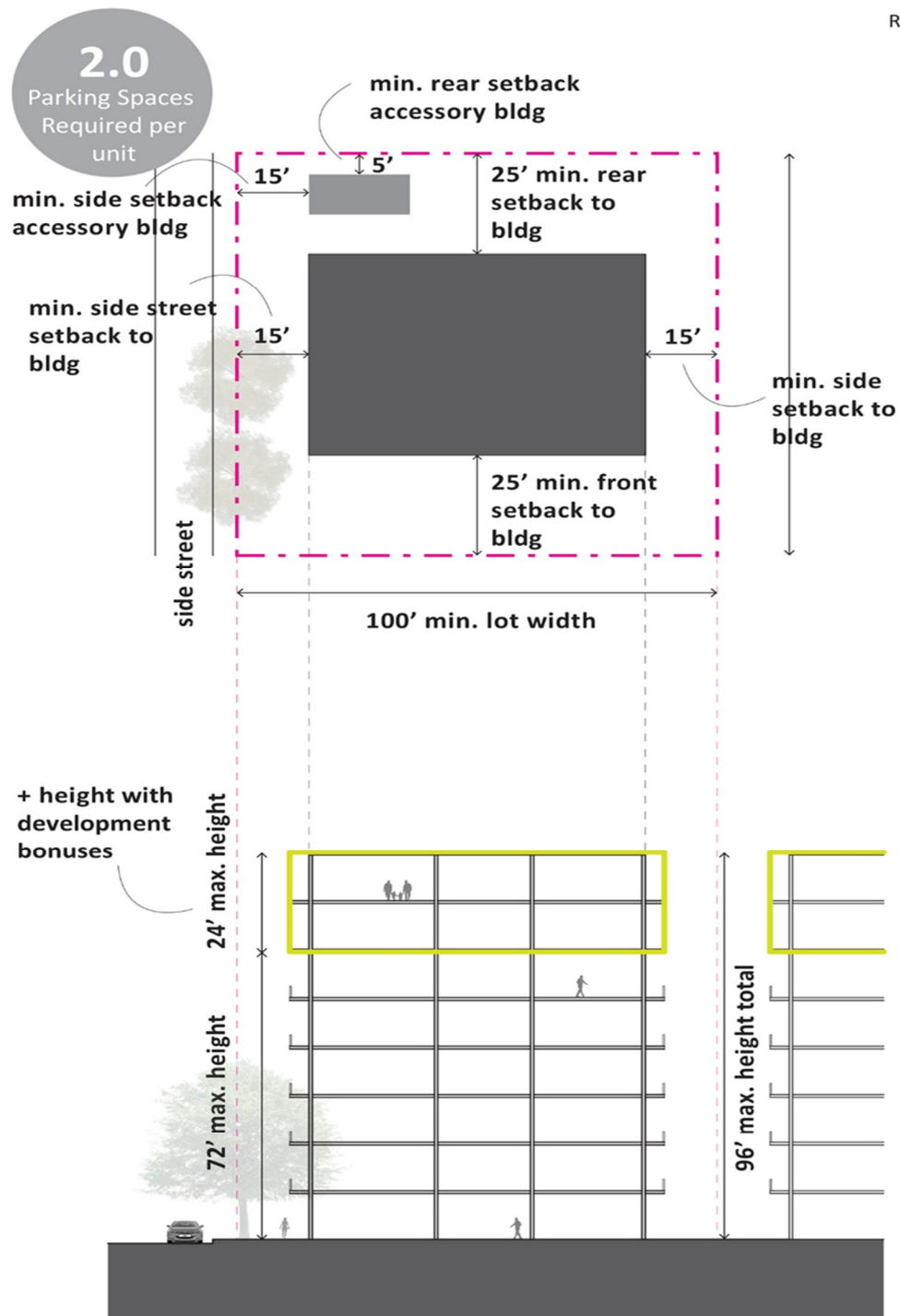
The High Density Residential District provides for multi-family uses that serve as a transition between less intensive residential uses and more intensive mixed use and non-residential areas.

Table of Standards

<u>Standard</u>	<u>R-4</u>
Density	<u>Tower Five Stories or more, 75+ units per building</u> <del>50</del> <u>76-120</u> units per acre. Higher densities may be permitted only with affordable housing bonus provisions, and/or if the site is located in a mixed use overlay district and meets associated development standards, and is located in a Future Land Use District that permits the requested density.
Minimum Site Area	<del>20,000</del> <u>22,500</u> s.f.
Minimum Lot Width	100 feet
Setbacks	Front – 25 feet Side, interior lot – 15 feet Side, street – 15 feet Side, between structures – 20 feet Rear – 25 feet
Maximum Height	6 stories, or 8 stories with development bonuses
Minimum Unit Size	500 square feet (s.f.) for efficiency units, 625 s.f. for one bedroom units; 750 s.f. for two bedroom units; 1,000 s.f. for three bedroom units, exclusive of garages, carports, terraces, breezeways and porches
Maximum Impervious Area	70 percent of site. Lot coverage for all buildings on site shall not exceed 40 percent of lot area.
Accessory Structure Height	20 feet
Accessory Structure Setbacks	Front – 75 feet Side, interior – 7.5 feet Side, street – 15 feet Between buildings – 10 feet Rear – 5 feet



# R-4 High Density Residential District



# R-4 visual plan

R-4



**Article IV. Districts,  
Permitted Uses and  
Development Standards**

**Sec. 22-88. B-O Business Office District**

The Business Office District provides for low intensity office and specific retail uses that are conveniently located in relation to, and compatible with, proximate residential areas.

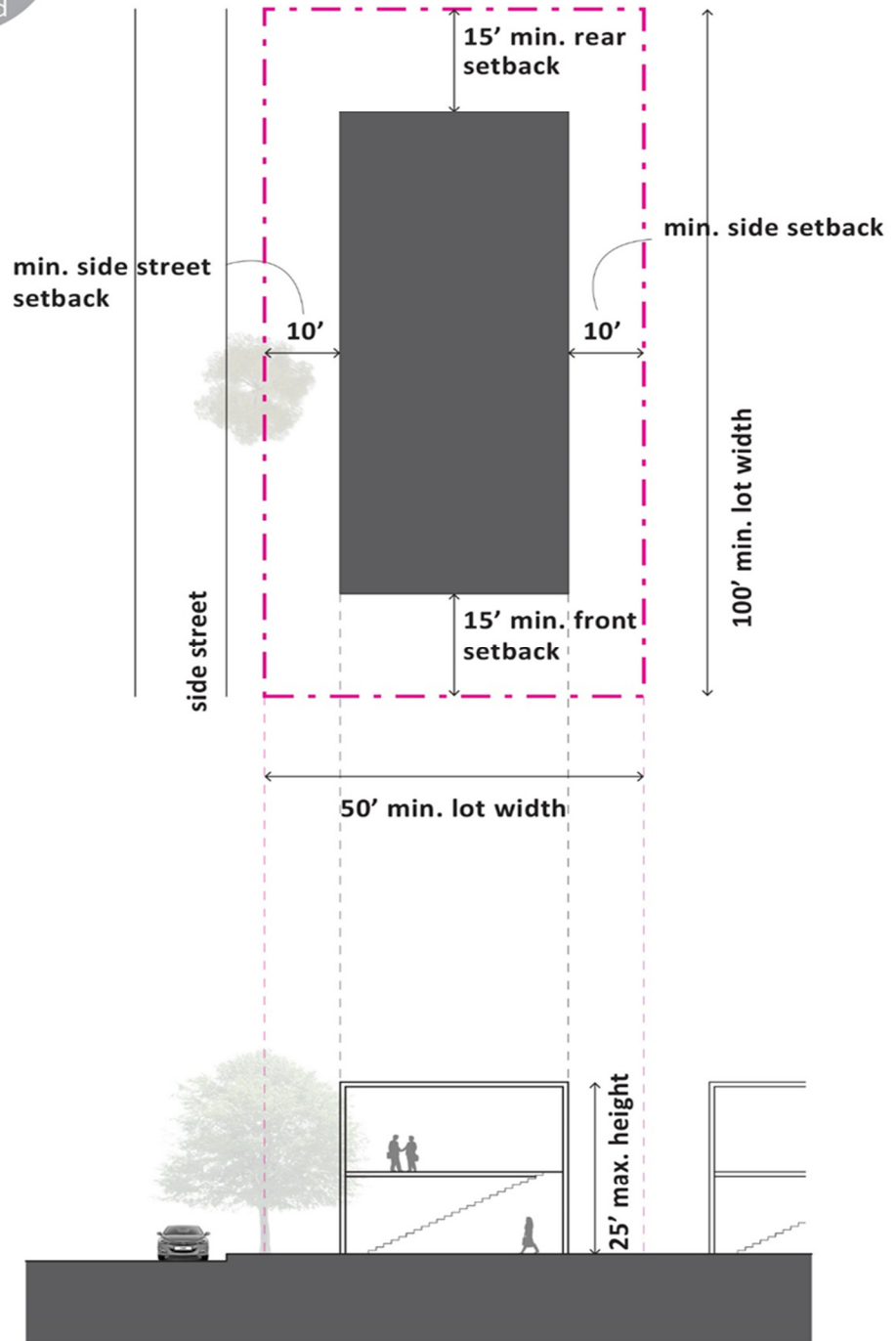
Table of Standards

<u>Standard</u>	<u>B-O</u>
Intensity	.5
Minimum Site Area	5,000 s.f.
Setbacks	Front – 15 feet Side, interior lot – 10 feet Side, street – 10 feet Side, between structures or corner– 10 feet, or 0 feet when abutting a canal right of way Rear – 15 feet, or 0 feet when backing onto a canal right of way or alley
Maximum Height	2 stories or 25 feet, whichever is less
Maximum Impervious Area	80 percent of site.
Accessory Structure Height	14 feet
Accessory Structure Setbacks	Front – 25 feet Side – 5 feet Side, street – 15 feet Rear – 2.5 feet

B-O

# B-O Business Office District

**1.0**  
Per 400 square ft  
Parking Spaces  
Required



**Article IV. Districts,  
Permitted Uses and  
Development Standards**

Sec. 22-89. B-1 Commercial Neighborhood Business District

The Commercial Neighborhood Business District provides for low intensity retail and/or service oriented convenience commercial centers which serve the everyday needs of local residents and are compatible with surrounding residential uses.

Table of Standards

<u>Standard</u>	<u>B-1</u>
Intensity	.9 Floor Area Ratio
Minimum Site Area	5,000 s.f.
Setbacks	Front – 10 feet Side, interior lot – 0 feet Side, street – 10 feet Rear – 15 feet, or 0 feet when backing onto a canal right of way or alley
Maximum Height	3 stories or 45 feet, whichever is less
Maximum Impervious Area	80 percent of site.
Accessory Structure Height	20 feet
Accessory Structure Setbacks	Front – Not permitted in front Side – 10 feet Side, street – 10 feet Rear – 10 feet, 25 feet when abutting or adjacent to residential
Bonus Provisions	Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

	<p>Projects which substantially contribute architecturally to the City's Moorish Architecture goals, as outlined in the "Arabian Motif Architectural Style Guide", as it may be updated from time to time, are eligible for a 20% increase in floor area.</p> <p>Projects that demonstrate design excellence, as defined in this Article, are eligible for up to a 20% increase in floor area.</p> <p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p>
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**Sec. 22-90. B-2 Commercial Liberal Business District**

The Commercial Liberal Business District provides for commercial centers that offer a wide range of retail or service facilities.

Table of Standards

<u>Standard</u>	<u>B-2</u>
Intensity	2.4 Floor Area Ratio
Minimum Site Area	5,000 s.f. for existing subdivisions, 10,000 s.f. for re-plat or new plat
Setbacks	<p>Front – 10 feet</p> <p>Side, interior lot – 0 feet, or 10 feet if abutting residential</p> <p>Side, corner– 15 feet, or 0 feet when abutting a canal right of way</p> <p>Rear – 15 feet, or 0 feet when backing onto a canal right of way or alley</p>
Maximum Height	4 stories or 55 feet, whichever is less

**Article IV. Districts,  
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Development Standards**

Maximum Impervious Area	80 percent of site.
Accessory Structure Height	20 feet
Accessory Structure Setbacks	<p>Front – Not permitted in front</p> <p>Side – 10 feet</p> <p>Side, street – 10 feet</p> <p>Rear – 10 feet, 25 feet when abutting or adjacent to residential</p>
Bonus Provisions	<p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>Projects which substantially contribute architecturally to the City's Moorish Architecture goals, as outlined in the "Arabian Motif Architectural Style Guide", as it may be updated from time to time, are eligible for a 20% increase in floor area.</p> <p>Projects that demonstrate design excellence, as defined in this Article, are eligible for up to a 20% increase in floor area.</p> <p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p>

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

Sec. 22-91. B-3 Commercial Intensive Business District

The Commercial Intensive Business District provides for intensive commercial developments.

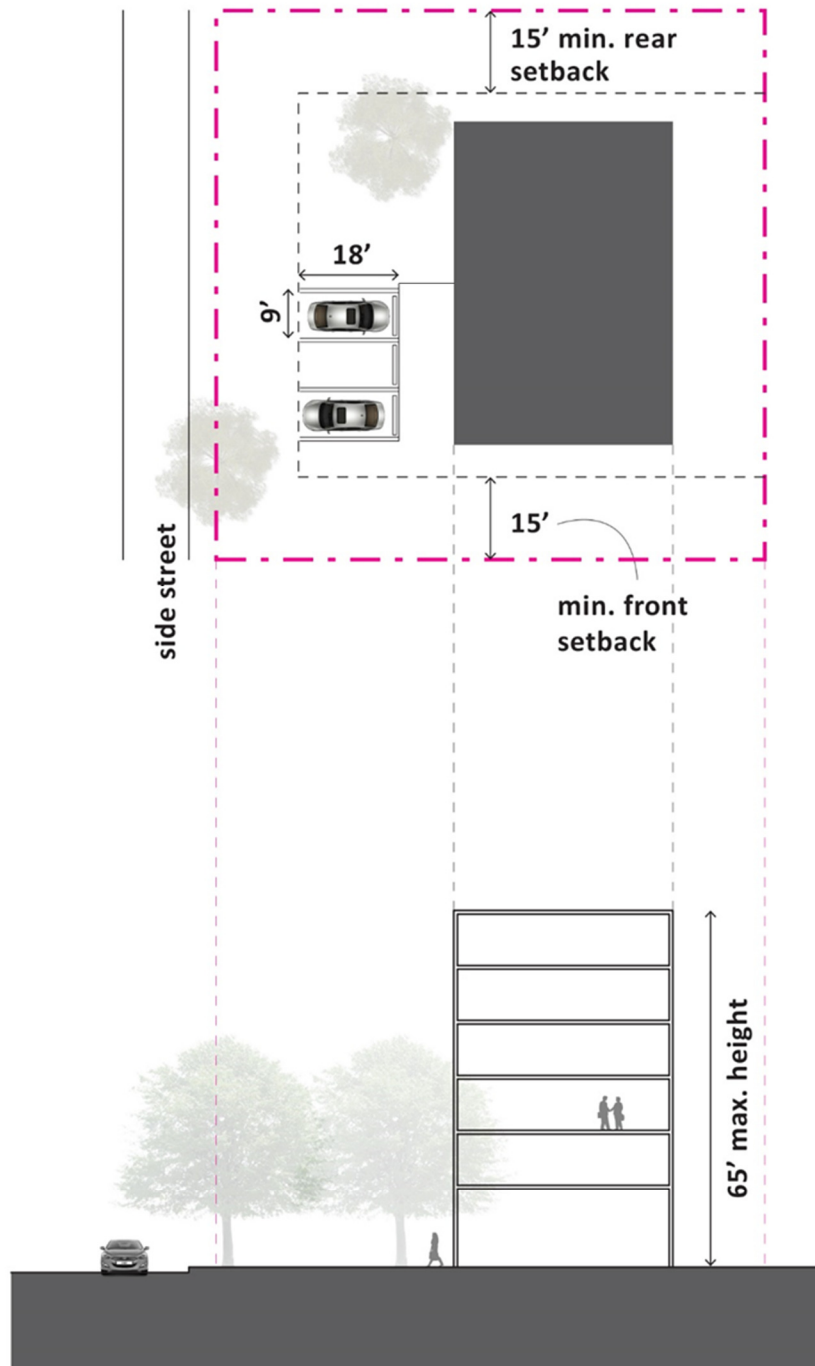
Table of Standards

<u>Standard</u>	<u>B-3</u>
Intensity	3.0 Floor Area Ratio
Minimum Site Area	10,000 s.f.
Setbacks	<p>Front – 15 feet, or 25 feet when adjacent to a residential district</p> <p>Side, interior lot – 0 feet, or 10 feet if abutting residential</p> <p>Side, corner – 15 feet</p> <p>Side, interior– 15 feet</p> <p>Rear – 15 feet, or 0 feet when backing onto an alley, or 25 feet when adjacent to a residential district</p>
Maximum Height	6 stories or 65 feet, whichever is less
Maximum Impervious Area	80 percent
Bonus Provisions	<p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p>



**1.0**  
Per 500 square ft  
Parking Spaces  
Required

# B-3 Commercial Intensive Business



**Article IV. Districts,  
Permitted Uses and  
Development Standards**

**Sec. 22-92. I-1 Light Industrial District**

The Light Industrial District provides for intensive commercial developments, light industrial, and industrial and office flex space at appropriate locations.

Table of Standards

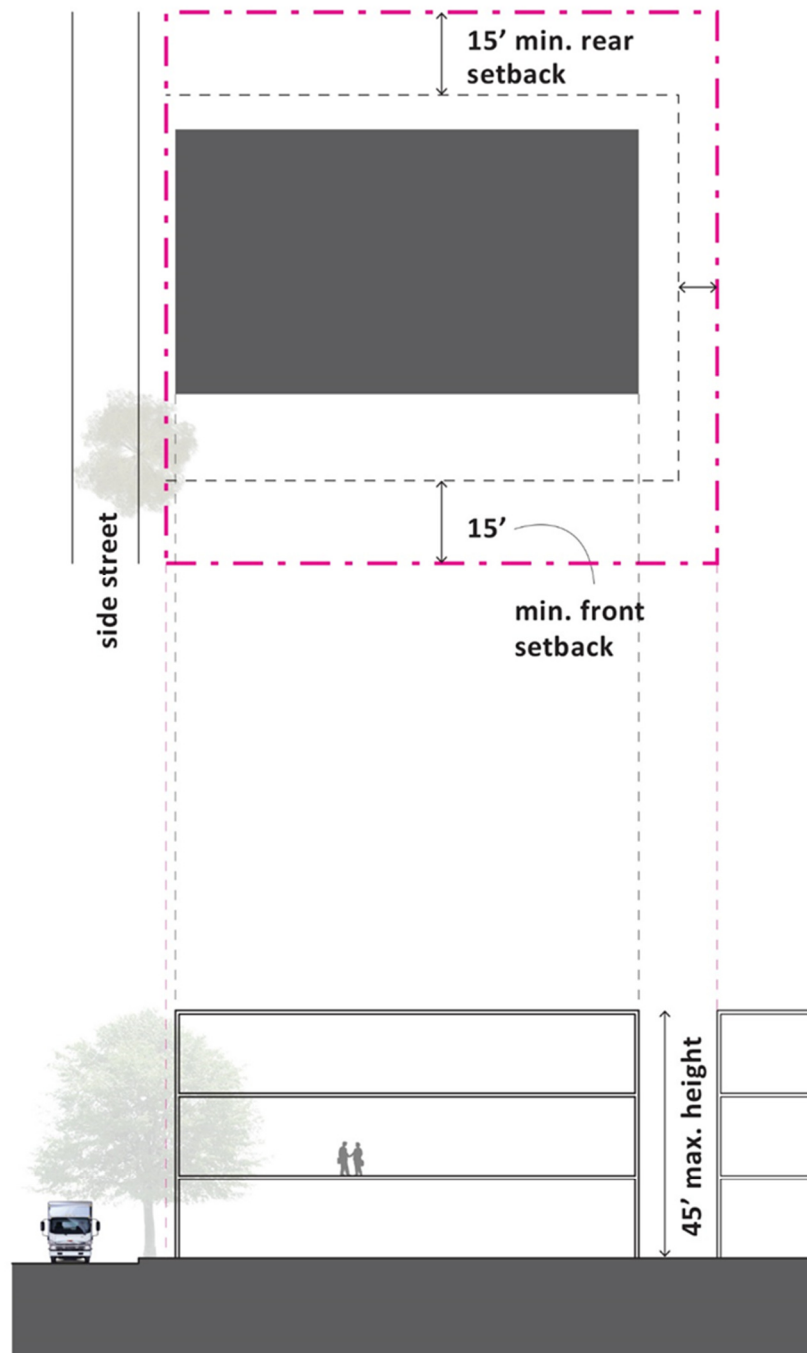
<u>Standard</u>	<u>I-1</u>
Intensity	3.0 Floor Area Ratio
Minimum Site Area	10,000 s.f. For new industrial office flex space, a minimum project size of two acres.
Setbacks	Front – 15 feet Side with a public alley - 7 feet Side – 0 feet Rear – 15 feet 50 feet from any residential district, with at least a 30 foot landscaped buffer.
Maximum Height	3 stories or 45 feet, whichever is less
Bonus Provisions	Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.

I-1



1 per 400 sq ft  
of Office

# I-1 Light Industrial District



**Article IV. Districts,  
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Development Standards**

## Sec. 22-95. I-2 Industrial Planned District

The Industrial Planned District is intended to provide for light industrial uses in a well-planned area.

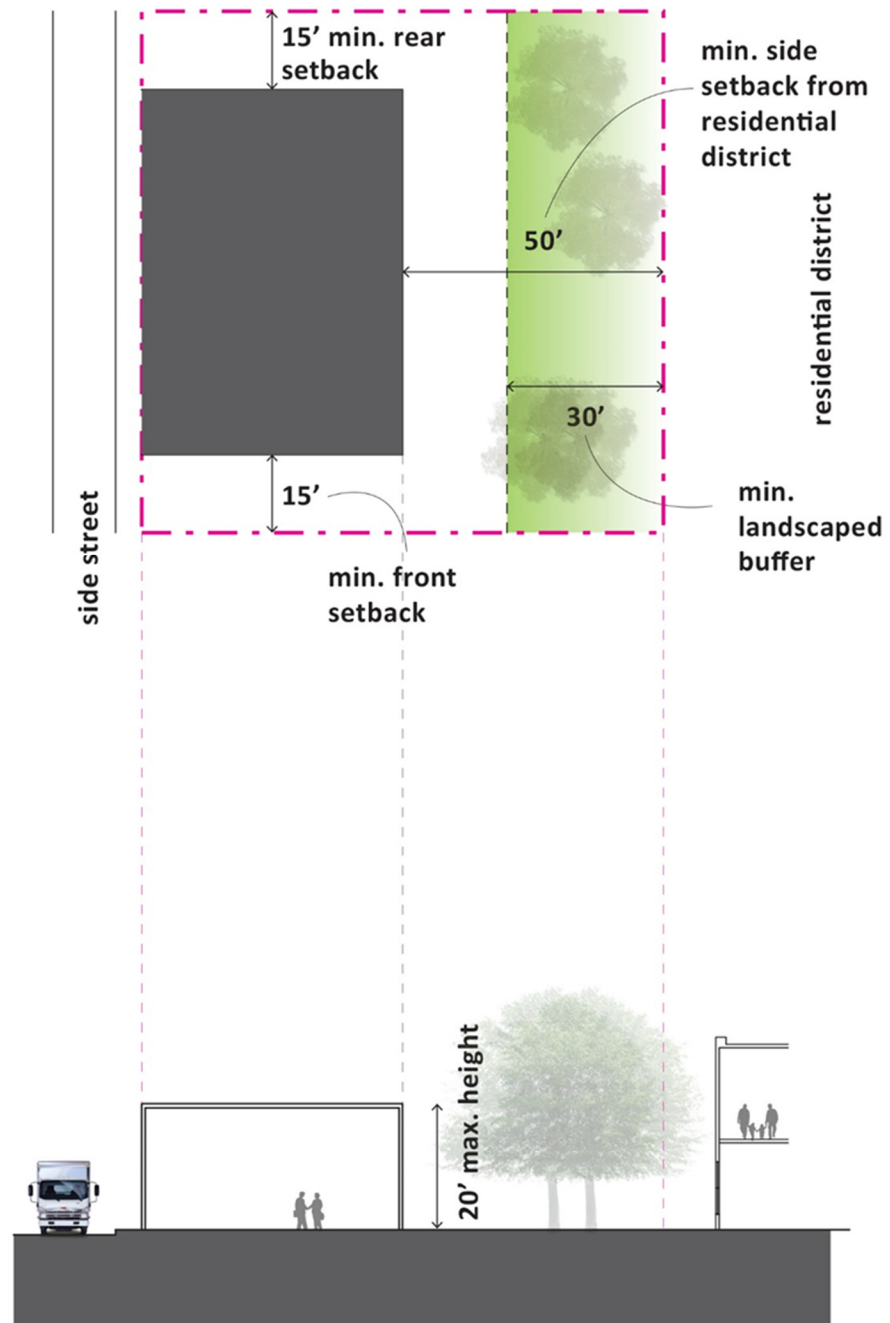
Table of Standards

<u>Standard</u>	<u>I-2</u>
Intensity	1.0 Floor Area Ratio
Minimum Site Area	A minimum project size of two acres, which can be subdivided and sold/leased in lot sizes not less than 20,000 s.f.
Setbacks	Front and rear - 25 feet Side, street – 15 feet 50 feet from any residential district, with at least a 30 foot landscaped buffer
Maximum Height	3 stories or 45 feet, whichever is less
Maximum Impervious Area	75 percent
Bonus Provisions	<p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>An additional 3% of impervious area coverage may be permitted for excellence in building design and landscaping beyond what is permitted in the Land Development Regulations. Excellence is measured by the applicant's quantitative and qualitative use of landscape and design elements such as vegetation, berms, graphic identification features, grounds, artwork, site illumination and sidewalks.</p>



1 per 400 sq ft  
of Office

# I-2 Liberal Industrial District



Sec. 22-93. I-3 Liberal Industrial District

The Liberal Industrial District provides for more intensive industrial operations at appropriate locations.

A. Prohibited uses

1. Animal slaughterhouse or abbatoir
2. Arsenal
3. Asphalt manufacturing or refining
4. Asphalt paving plant
5. Asphalt storage, liquid or solid
6. Corrosive acid manufacture
7. Bag cleaning
8. Bone distillation
9. Blast furnace
10. Boiler works
11. Bulk storage of petroleum and petroleum products
12. Butane and propane manufacture and storage
13. Canning or compressing
14. Cement, lime, gypsum or Plaster of Paris manufacture or grinding
15. Concrete batching or transit mix plant
16. Cotton baling or compressing
17. Cotton gin or cotton oil mill
18. Creosote manufacture or treatment
19. Coke oven
20. Distillation of coal tar, petroleum, refuse, grain or wood
21. Drilling, production or refining of petroleum or inflammable liquids
22. Drop forge plant
23. Electric power plant
24. Enameling plant
25. Extraction of animal or fish fats and oils

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26. Fat rendering
27. Fertilizer manufacture, except cold compounding of non-odorous materials
28. Flour mill
29. Food grinding or processing
30. Foundry
31. Galvanizing plant
32. Gas holder
33. Gunpowder, fireworks or other explosives, manufacture or storage except as incidental to a permitted use
34. Garbage, offal, dead animal refuse, rancid fats, incineration, reduction or storage
35. Glue or gelatin manufacture, where the processes used include the refining or recovery of products from fish, animal refuse or offal
36. Grain elevator and storage
37. Grain mill
38. Hair factory
39. House wrecking yards, used building material yards
40. Livestock auction sales
41. Metal stamping and pressing
42. Oil compounding or barreling
43. Oil reclamation plant
44. Oil well equipment, storage, supplies
45. Paper and pulp mills
46. Paving plant
47. Potash works
48. Pyroxlin and pyroxlin product manufacture
49. Quarry or stone mill
50. Railroad roundhouse
51. Radium extraction
52. Rubber manufacture from raw materials
53. Salvage store and yard

**Article IV. Districts,  
Permitted Uses and  
Development Standards**

- 54. Sandblasting
- 55. Septic tank service
- 56. Sewage disposal plants
- 57. Shipbuilding or shipyard
- 58. Slag crushing or dump
- 59. Stone cutting, monument works
- 60. Storage of poisonous gases and insecticides
- 61. Smelting or refining of metals or ores
- 62. Steel manufacture
- 63. Stockyards or feeding pens
- 64. Sugar refining
- 65. Tire or rubber products manufacture
- 66. Vegetable oil manufacture, refining, storage
- 67. Wool pulling or scouring
- 68. Yeast plant

Table of Standards

<u>Standard</u>	<u>I-3</u>
Intensity	3.0 Floor Area Ratio
Minimum Site Area	10,000 s.f.
Setbacks	Front – 15 feet Side with a public alley - 7 feet Side – 0 feet Rear – 15 feet 50 feet from any residential district, with at least a 30 foot landscaped buffer
Maximum Height	3 stories or 45 feet, whichever is less
Bonus Provisions	Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent



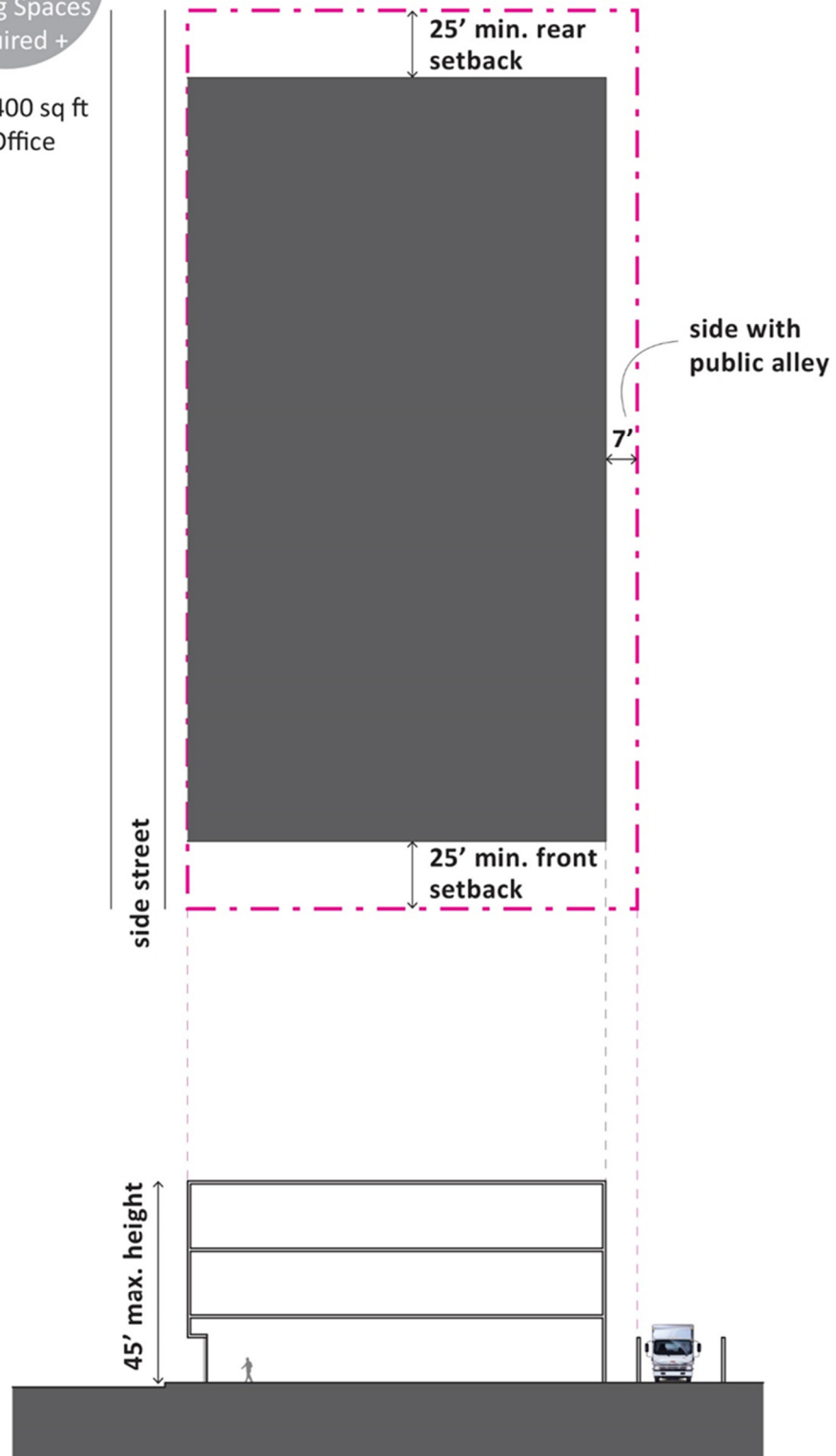
***Article IV. Districts,  
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Development Standards***

	third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.
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I-3

# I-3 Industrial Planned District

**1.0**  
Per 2,500 sq ft  
Parking Spaces  
Required +  
1 per 400 sq ft  
of Office



## Sec. 22-94. I-4 Liberal Industrial District, Storage and Salvage

This Industrial District provides for the below stated uses at appropriate locations.

## 1. Table of Standards

<u>Standard</u>	<u>I-4</u>
Intensity	.75 Floor Area Ratio
Minimum Site Area	One acre
Setbacks	Front – 15 feet Side with a public alley - 7 feet Side – 0 feet Rear – 15 feet 50 feet from any residential district, with at least a 30 foot landscaped buffer
Maximum Height	1 story or 20 feet, whichever is less The maximum stacked height of automobiles or automobile parts shall not exceed fifteen (15) feet, and must be enclosed by a wall which is at least as high as the stacked automobiles; in no event shall automobiles or automobile parts, as stored, piled or placed, exceed the requirements herein. All material, supplies, automobiles, automobile parts, or other items shall be secured behind a wall and shall not be visible from off the property when viewed three hundred (300) feet horizontally from all directions.

**Article IV. Districts,  
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Sec. 22-96. C district.

The Civic District is intended to provide for well-planned public buildings, civic centers and institutional uses.

Table of Standards

<u>Standard</u>	<u>C</u>
Intensity	3.0 Floor Area Ratio
Minimum Site Area	N/A
Setbacks	N/A
Maximum Height	6 stories or 65 feet, whichever is less
Maximum Impervious Area	80 percent of site.
Bonus Provisions	<p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>Projects which substantially contribute</p>

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	<p>architecturally to the City's Moorish Architecture goals, as outlined in the "Arabian Motif Architectural Style Guide", as it may be updated from time to time, are eligible for a 20% increase in floor area.</p> <p>Projects that demonstrate design excellence, as defined in this Article, are eligible for up to a 20% increase in floor area.</p> <p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p>
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**Sec 22-97. Downtown Mixed Use Future Land Use District**

Parcels located in the Downtown Mixed Use Future Land Use District may be developed in accordance with the underlying zoning district, or may be developed as follows:

Table of Standards

<u>Standard</u>	<u>DMU</u>
Density and Intensity	150 units per acre and a maximum 3.5 Floor Area Ratio for all uses
Minimum Site Area	10,000 s.f.
Setbacks	<p>Front - Five feet Side – 0 feet Side Street – 15 feet Rear - 0 feet</p> <p>The City may require additional setbacks on the ground floor for landscaping needs, recessed plazas and eating establishments</p>

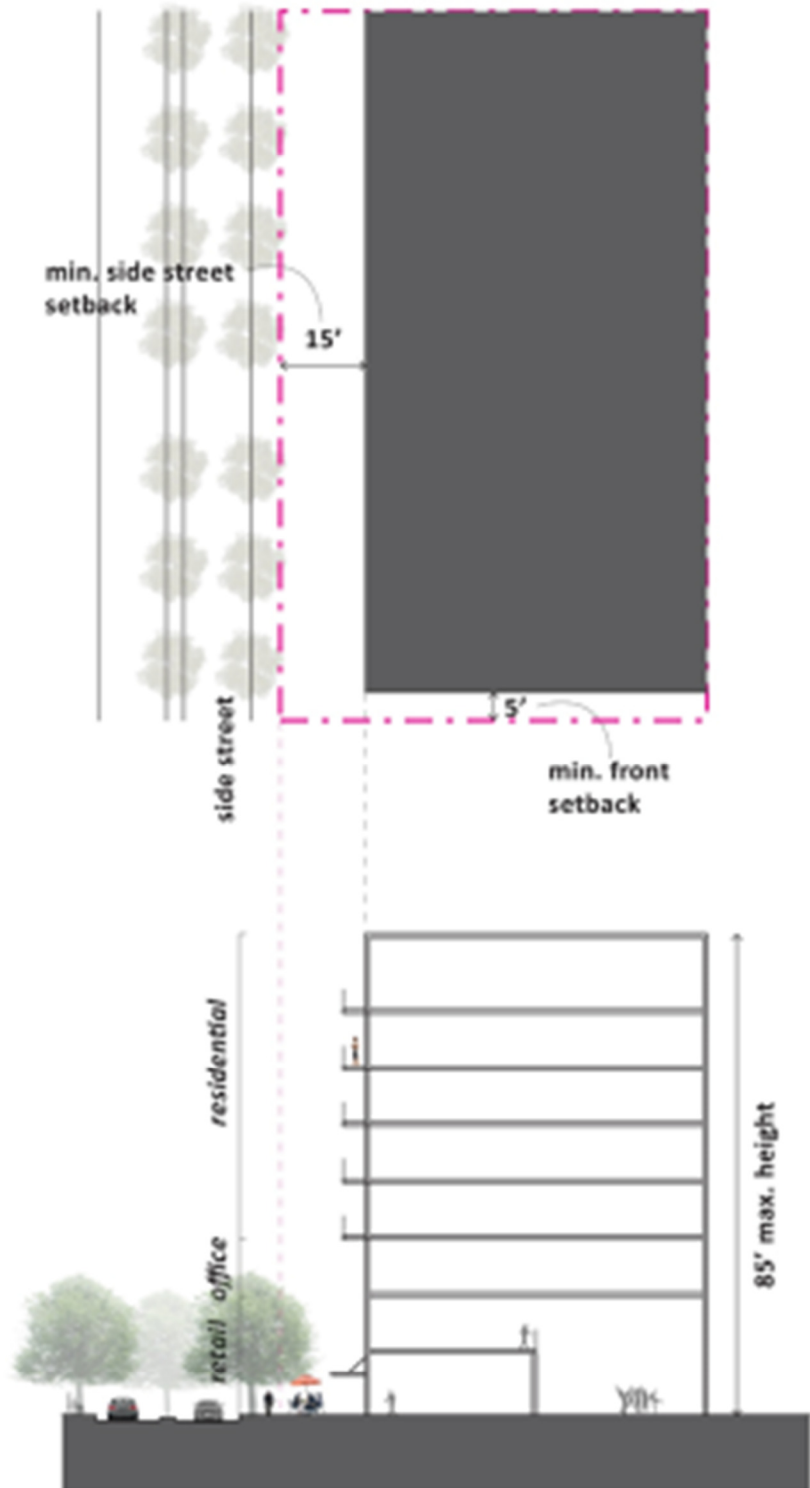
**Article IV. Districts,  
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	<p>with outdoor seating. Setbacks for such development shall be between ten (10) feet and fifteen (15) feet. This setback cannot be used for parking. In cases where the city requests such setbacks for the ground floor, the developer may elect to have upper stories follow standard building minimum setbacks. <u>A zero floor setback may be permitted as the per the</u></p> <p>The City may, at its discretion, require setbacks for each story above the ground floor, based on road width, privacy of surrounding residential properties, and enhancement of the pedestrian realm.</p> <p>Additional setback may be required depending on existing street frontage.</p>
Maximum Height	8 stories or 85 feet, whichever is less, subject to FAA regulations. Stories are limited to 15 feet in height.
Maximum Impervious Area	90 percent of site.
Accessory Structure Height	In accordance with underlying zoning district.
Accessory Structure Setbacks	In accordance with underlying zoning district.
Bonus Provisions	Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other

***Article IV. Districts,  
Permitted Uses and  
Development Standards***

	<p>equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>Projects which substantially contribute architecturally to the City's Moorish Architecture goals, as outlined in the "Arabian Motif Architectural Style Guide", as it may be updated from time to time, are eligible for a 20% increase in floor area.</p> <p>Projects that demonstrate design excellence, as defined in this Article, are eligible for up to a 20% increase in floor area, <u>and or a reduction in setback to down to 0 feet.</u></p> <p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p> <p>Increased density of up to 100 units per acre is permitted for affordable housing developments as defined by Section 420.0004, Florida Statutes.</p>
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# DMU Downtown Mixed-Use District



DMU



# DMU visual plan

DMU



**Article IV. Districts,  
Permitted Uses and  
Development Standards**

Sec 22-98. - Magnolia North Mixed Use Future Land Use District

Parcels located in the Magnolia Gardens and Magnolia North Mixed Use Future Land Use Districts may be developed in accordance with the underlying zoning district, or may be developed as follows:

Table of Standards for Mixed Use Developments

<u>Standard</u>	<u>MGMU and MNMU</u>
Density and Intensity	15.1 to 50 units per acre and a maximum 3.0 Floor Area Ratio for all uses
Minimum Site Area	10,000 s.f.
Setbacks	<p>Front - Five feet Side – 0 feet Side Street – 15 feet Rear - 0 feet</p> <p>The City may require additional setbacks on the ground floor for landscaping needs, recessed plazas and eating establishments with outdoor seating. Setbacks for such development shall be between ten (10) feet and fifteen (15) feet. This setback cannot be used for parking. In cases where the city requests such setbacks for the ground floor, the developer may elect to have upper stories follow standard building minimum setbacks.</p> <p>The City may, at its discretion, require setbacks for each story above the ground floor, based on road width, privacy of surrounding residential properties, and enhancement of the pedestrian realm.</p>

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	Additional setback may be required depending on existing street frontage.
Maximum Height	6 stories or 65 feet (whichever is less), or 8 stories or 85 feet (whichever is less) with development bonuses, subject to FAA regulations. Stories are limited to 15 feet in height.
Maximum Impervious Area	90 percent of site.
Accessory Structure Height	In accordance with underlying zoning district.
Accessory Structure Setbacks	In accordance with underlying zoning district.
Bonus Provisions	<p>Projects which achieve a minimum LEED Silver or other equivalent third party certification are eligible for up to a 10% increase in floor area; projects which achieve a minimum LEED Gold or other equivalent third party certification are eligible for up to a 15% increase in floor area; projects which achieve a minimum LEED Platinum or other equivalent third party certification are eligible for up to a 20% increase in floor area.</p> <p>Projects which substantially contribute architecturally to the City's Moorish Architecture goals, as outlined in the "Arabian Motif Architectural Style Guide", as it may be updated from time to time, are eligible for a 20% increase in floor area.</p> <p>Projects that demonstrate design excellence, as defined in this Article, are eligible for up to a 20% increase in floor area.</p>

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	<p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p> <p>The maximum floor area increase that can be achieved through a combination of development bonuses shall not exceed 20%.</p> <p>Increased density of up to 100 units per acre is permitted for affordable housing developments as defined by Section 420.0004, Florida Statutes.</p>
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**Sec 22-99. - Corridor Mixed Use Overlay District****A. District Purpose**

The MXUOD district provides the opportunity for service-oriented retail, commercial and mixed-income housing within a pedestrian-friendly neighborhood with sustainable and environmentally responsive buildings and infrastructure. The district's close proximity to public transportation will support a variety of commercial, retail, moderate and high density multifamily housing types for a broad range of incomes and provides an opportunity to support existing industrial uses via retail outlets for their products. The combination of accessibility to public transit and housing will shape this district as an active mixed-use neighborhood. By bringing compatible land uses closer together, this district can encourage pedestrian-friendly environments which will promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction. Proposed developments should promote a variety of uses by providing ground floor active uses and open space through reduced parking capacities.

**B. Development Characteristics:**

Buildings and infrastructure should be sustainable and responsive to the environment to support the district as a sustainable neighborhood. Service-oriented retail, commercial, office and mixed-income housing are encouraged to support the district as a sustainable neighborhood.

Retail uses may include small neighborhood retailers such as, small service retail, and destination retail such as specialty retailers, restaurants and grocery stores. Transportation corridors should be used to enhance connectivity to regional and local transit hubs. Urban design of the district, including landscaping, open space, and pedestrian oriented right-of-way improvements, will encourage the area to be a pedestrian friendly environment.

**C. Definitions**

1. **Horizontal Mixed Use:** Development where the different types of uses (Industrial, residential, commercial) are horizontally integrated. For site plans with multiple buildings, each building may be a separate use.
2. **Vertical Mixed Use:** Development where the different types of uses (industrial, residential, commercial) are vertically integrated.
3. **Habitable Liner:** Residential and/or Commercial units providing a façade on the right-of-way, thereby screening parking garages located away from the right-of-way.
4. **Vocational Services.** Job training and placement services, inclusive of establishments termed “Employment Centers.”

**D. Eligibility and Application**

The MXUOD District shall only be applied to properties:

1. Designated R-1, R-3, R-3A, R-4, B-1, B-2, B-3, B-0, I-1, 1-2, 1-3, and P ;  
and

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2. Along the major transportation corridors which includes State Road 9, within the boundaries of the City of Opa-locka; NW 42nd Avenue, between NW 135th Street and East 65th Street; NW 135th Street, between NW 47th Avenue and NW 27th Avenue; Ali-Baba Avenue, between NW 37th Avenue and NW 151st Street; Opa-locka Boulevard, between Ali-Baba Avenue and NW 27th Avenue; NW 27th Avenue, between NW 127th Street and NW 151st Street; NW 22nd Avenue from NW 151st Street to NW 135th Street, and; Opa-locka Blvd. between NW 19th Avenue and NW 22nd Avenue; and/or As defined in the OPA-LOCKA MIXED-USE OVERLAY DISTRICT ZONING MAP; and
3. That can be served by public water and sewer.

The boundary of the Mixed-Use Overlay District shall be shown on the Official Zoning Map of the City of Opa-locka and all parcels contained within the zone, which meet the eligibility section below, are able to utilize the provisions set forth in this ordinance, provided that in utilizing this standard, all aspects of the overlay are adhered to. All land uses and development, including but not limited to buildings, driveways, parking areas, streets, buffers, landscaping, and pedestrian/bicycle ways, shall be located and/or provided in accordance with the provisions of the City of Opa-locka Land Development Code and Code of Ordinances, and Miami-Dade County Subdivision Regulations, except as modified by this chapter.

Where there are overlaps with other overlay zones, only one overlay zone shall apply. The standards of the overlay zone must be selected at the beginning of the site approval process, and all of the standards of only the selected overlay zone shall be applied in evaluation of the Master Site Plan.

Within the boundary area defined on the Exhibit Map:

1. Application: Application of the Overlay shall be Residential/Commercial or Industrial/Commercial Mixed-Use only. Determination shall be based on the underlying zoning.

2. Subareas:

Residential/Commercial Mixed Use: For properties within the Mixed-Use Overlay District which are normally zoned R-1, R-3, R-3A, R-4, B-1, B-2, B-0, or P.

Industrial/Commercial Mixed-Use: For properties within the Mixed-Use Overlay District which are normally zoned normally zoned B-3, I-1, I-2, or I-3.

In cases where the Master Site Plan involves parcels with different zoning: If the Master Site Plan contains multiple parcels which allows it to qualify for different Mixed-Use Subareas, the applicant shall be required to request a rezoning of the parcels to ensure that any vertical mixed-use structure conforms solely to either a Residential/Commercial or Industrial/Commercial designation. In all other cases, the zoning of the largest parcel shall apply.

D. Uses Permitted

Residential/Commercial Mixed Use: This section is for properties within the Mixed-Use Overlay District which are normally zoned R-1, R-3, R-3A, R-4, B-1, B-2, B-0, or P.

The following uses shall be permitted in the Residential/Commercial Mixed-Use subarea:

1. On first floor:

- a. Retail sales and services.
- b. Restaurants and other food service establishments.
- c. Child care centers.
- d. Home occupations.
- e. Multiple dwellings (including townhomes), and uses accessory to multiple dwellings, including:  
Recreation facilities such as cabana units, sauna units, recreation buildings, swimming pools, tennis courts, putting greens and shuffleboard courts.  
Lobby and Access Points for upper level residential units
- f. Parking lots and parking garages (commercial, public, and/or private);
- g. Museums, libraries, parks, open space and recreational areas.
- h. Places of public assembly.

- i. Live-work units
  - 1. Artist Studio
  - 2. Home Occupations [Barber/Beautician-Cosmetology Services-by appointment only]
  - 3. Internet Sales and Services [product stored or provided off-site]
  - 4. Business, Professional, and Service Uses [CPA-Accounting, Insurance Services, Legal Services-Attorney at Law, Financial Planning Services, Real Estate Agent, Computer Graphics/GIS Designer, Architecture Services, Consultant Services – by Appointment only]
  - 5. Medical, Psychiatry-Therapy, and Dental Clinics [by appointment only]  
(Dental Services would include Cleaning, Counseling and Instruction for Prosthetics, Implants, Dentures, Braces, etc., however no actual dental work will be performed at this location.)

**No Commercial Retail Sales or Food Preparation Services of any type will be permitted on Live-Work unit/site.**

- j. Business, professional, and medical offices.
  - k. Service Uses
  - l. Laundry and dry cleaning drop-off/pickup shops and minor repair only, toxic chemicals or pollutants are prohibited.
  - m. Day Care Facilities
  - n. Health Spas
  - o. Medical and Dental Clinics
  - p. Movie Theaters
  - q. Playhouse or Stage Theaters
  - r. Hotels
  - s. Educational Facilities (Public and Private)
  - t. Vocational Services
  - u. Municipal buildings and uses
  - v. Special Conditional Use:
    - Gas stations (Provided that no other service station is closer than one-thousand (1000) feet)
    - Passenger Terminals
    - Religious facilities
2. Second level and above:
- a. Business, professional, administrative, and medical offices.



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- b. Home Occupations.
- c. Multiple dwellings and uses accessory to multiple dwellings, including:  
Recreation facilities, including but not limited to cabana units, sauna units, recreation buildings, swimming pools, tennis courts, and basketball courts.
- d. Parking garages (commercial, public, and/or private).
- f. Grocery, Retail, and Service Uses
- g. Hotels
- h. Day Care Facilities
- i. Live-Work Units
- j. Educational Facilities (Public and Private)
- k. Vocational Services
- l. Rooftop Open Space and Recreational areas
- m. Municipal buildings and uses

Uses with a drive-through window or which provides a drive-up service shall be permitted as a special conditional use in the Mixed-Use Development Overlay District, even if the underlying zone permits such usage by-right. A Circulation Plan shall be required for developments with a drive-through window or a drive-up service and shall be subject to approval by the Site Plan's reviewing body.

Temporary outdoor retail sales (e.g., farmers' markets, festivals) not to exceed sixty (60) days per calendar year per property. For the purposes of this section a property shall be defined as by its Master Site Plan, regardless of the number of parcels which compose the property. No temporary use shall last for more than fourteen (14) consecutive days. Time between temporary activities shall be at least two (2) times as long as the duration of the prior temporary use.

At a minimum, ten (10%) percent of the aggregate floor area used for retail sales and services shall be of a character that serves the daily needs of the Mixed Use Overlay District residents and/or MXUOD employees. Such retail uses include but are not limited to shoe repair shops, ice cream shops, restaurants, drycleaners, beauty salons, barbershops, coffee shops, bakeries, nail salons, opticians, drug stores, tailors, and news shops.

Industrial/Commercial Mixed-Use

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This section is specifically for sites normally zoned B-3, I-1, I-2, or I-3. The following uses shall be permitted in the Industrial/Commercial Mixed-Use subarea:

**First Floor:**

Retail: Retail must be specific to the products produced on site and any accessory uses.

Industrial Uses as specifically allowed by-right in the underlying district.

Special Conditional Uses as provided for in the underlying district

Special Conditional Use: Travel Center Facilities for trucks

Gas Stations (Provided that no other service station is closer than one-thousand (1000) feet)

Due to the potentially hazardous nature of the materials on the site, mixed-use development in Industrial/Commercial subareas shall be horizontal mixed-use only in cases where the hazardous nature of the Industrial use is deemed by the City to require spatial separation from retail.

**Second Floor and Above:**

Industrial Uses as specifically allowed by-right in the underlying district.

Parking garages (commercial, public, and/or private).

Special Conditional Uses as provided for in the underlying district.

**E. Maximum Allowable Density and Intensity**

Residential density shall not exceed one hundred fifty (150) units per gross acre for developments within the entire MXUOD area currently eligible for Residential/Commercial Mixed Use development.

Nonresidential intensity of Residential/Commercial Mixed-Use development shall be not less than a floor area ratio of 0.75 and shall not exceed a floor area ratio of 3.0.

**F. Site Development Standards**

1. The proposed development is consistent with the Comprehensive Plan, any applicable specific plans, the intent, purpose, and development characteristics of this mixed-use overlay district, and, as conditioned, will not have substantial adverse effects on the surrounding property or uses.

2. The proposed development is appropriate for the site and location by fostering a mixture and variety of land uses within the district and the general vicinity, and harmoniously contributes to a synergistic relationship between uses.

3. Building Heights: Mixed-use buildings in the MXUOD may be built to a maximum height of six (6) stories, except to allow for architectural features, parapet, elevator overrides, machine room, etc.

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with the approval of FAA. All other buildings shall be limited to a maximum of four (4) stories in height, except to allow for architectural features. Stories are limited to fifteen (15) feet in height.

The City may allow up to 8 stories, subject to FAA considerations for Opa-locka Airport, if the building conforms to one or more of the following:

Affordable/Elderly housing provisions (30 years):

at least 10% of total units are reserved for very low-income households, defined as those making less than 80% AMI; or

20% of total units are reserved for low-income households, defined as those making up to 150% of AMI; or

50% of total units are reserved for qualifying senior citizens.

Provides public open space with superior landscaping, including, but not limited to, plazas, parks, and/or payments dedicated towards the provision of general public space in the City of Opa-locka.

Substantially contributes architecturally to the City's Moorish Architecture goals.

**4. Residential/Commercial**

**A. Ground Floor Commercial:**

a. Ground Floor Height. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

**b. Façade.**

i. The entire building façade must abut the right-of-ways listed in Section C, except when additional building setbacks are applied to allow for courtyards, outdoor seating areas, or other publicly accessible open space as part of the Master Site Plan.

ii. For any ground level retail use, a minimum of 60% of the street-facing façade, between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

iii. Blank walls shall not compose more than 40% of the building's ground level façade. The width limit of a blank wall on the wall plane is 2.5 times the height plane of the ground floor.

c. Entrances. Buildings must have a primary entrance door facing a public sidewalk or open space, and which is clearly visible from the street. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby, entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses. Primary entrances must allow ingress and egress to one of the major corridors noted in Section D.

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d. All other site development standards for commercial elements not expressively covered within this Overlay District shall defer to the strictest standards of the underlying zoned parcel(s) of the Master Site Plan.

. B. Residential

a. Minimum dwelling unit size:

One-bedroom — 550 sq. feet minimum

Two-bedroom — 725 sq. feet minimum

Studio Units (Seniors Only) ----440 sq. feet minimum, capped at 30 percent of the development.

Above two-bedrooms – 725 sq. feet plus 175 sq. feet per bedroom minimum

Density: Maximum 110 du/ac, except as provided for below:

25% increase in the number of housing units with the requirement, provided for by developer's agreement, that for the next 30 years:

at least 10% of total units are reserved for very low-income households, defined as those making less than 80% AMI; or

20% of total units are reserved for low-income households, defined as those making up to 150% of AMI; or

50% of total units are reserved for qualifying senior citizens.

Up to a 15% bonus, at the discretion of the City, for projects which provides public open space or which substantially contributes architecturally to the City's Moorish Architecture goals.

Multiple bonuses may be applied. Density bonuses as provided herein are individually calculated from the base maximum density rate and independently added to the maximum density for the development. Bonus credits shall not be utilized to calculate other bonuses.

Pedestrian Ways: Pedestrian ways or sidewalks, constructed of concrete, tile, paving, blocks, brick or other acceptable material, shall provide access from all multi-family structures to required off-street parking areas and recreational areas. Curbing shall be Type D as defined by FDOT standards.

The City Manager or his/her designee may request the inclusion of recreational amenities.

A maintenance building/space and office management space shall be provided.

5. Industrial/Commercial

**Commercial:**

In a vertical mixed use structure, up to 35% of the gross sq. ft. of a building instead of 20% shall be permitted for retail sales, provided that the site plan:

Provides public open space with superior landscaping, including, but not limited to, plazas, parks, and/or payments dedicated towards the provision of general public space in the City of Opa-locka.

Substantially contributes architecturally to the City's Moorish Architecture goals.

In a horizontal mixed-use development, where the retail use is in a separate structure from the associated industrial use, 100% of the gross sq. ft. may be utilized for retail services.

For Master Site Plans abutting a R-1, R-2, R-3, R-3A, R-4, B-0, B-1, or B-2 district, retail uses shall be developed so as to create the frontage of the development facing these districts, with the exception of Travel Facilities for trucks.

**Industrial:**

For Master Site Plans abutting a R-1, R-2, R-3, R-3A, R-4, B-0, B-1, or B-2 district, industrial uses shall be developed so as to orient the industrial use of the development away from these as much as permissible within the Master Site Plan.

All other site development standards for industrial elements not covered within this Overlay District shall defer to the strictest standards of the underlying zoned parcel(s) of the Master Site Plan.

**Travel Facilities for Trucks:**

For Master Site Plans within five hundred (500) ft. of a R-1, R-2, R-3, R-3A, R-4, B-0, B-1, or B-2 district, or where they face such districts across a right-of-way, Travel facilities for trucks shall be prohibited.

The City may waive the five hundred (500) ft. restriction if that appropriate mitigation of negative factors on surrounding parcels, including, but not limited to, visual, environmental, noise, and smell are provided.

6. Off-Street Parking: Parking shall be provided pursuant to Article 8, entitled OFF-STREET PARKING AND LOADING REGULATIONS, subject to the following conditions:

- a. Parking Requirements-Developments that provide Affordable Housing may be reduced as stated below. In no event shall parking be reduced by more than sixty-five (65%) percent of the spaces required. The Planning Commission may provide a reduction of up to the limit of

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65% based on special conditions, such as, but not limited to, shared parking and likely ridership for transit riders.

b. The Facade of a parking garage that is not concealed behind a Residential or Commercial Habitable Liner shall be screened to conceal from view all internal elements in accordance with Article 8 G., including, but not limited to, vehicles, plumbing pipes, fans, ducts and all lighting. The size, location, and materials for such screening elements shall be reviewed as part of the site plan review process.

c. Applicants may request a minimum parking stall area of 8 ½' by 18', instead of 10' x 20', for 90 degree angled parking as mandated by Article 8; Access aisles shall be a minimum of 22' for 90 degree angled parking.

d. A Traffic Study and a Parking Study by a Traffic Engineer shall be required. The traffic and parking studies shall be subject to review and approval by the reviewing body. A Circulation Plan shall also be required.

e. Off-street parking in commercial retail areas shall either be behind or to the side of development with ground-floor retail along the street frontage.

f. Structured parking and/or shared or joint parking is encouraged to maximize development potential in the mixed-use district.

7. Lot Coverage: The maximum building footprint within the MXUOD, per lot area, shall be as follows:

Lot Area		
Less than 50,000 s.f.	50,000 s.f. — 80,000	Greater than 80,000
90%	87%	85%

8. Building Setbacks:

a. Yard setbacks shall be in compliance with the following minimum requirements:

	Minimum
Front	15 feet
Side Interior	0 feet

Rear	15 feet
------	---------

b. The City may require additional setbacks on the ground floor for landscaping needs, recessed plazas and eating establishments with outdoor seating. Setbacks for such development shall be between ten (10) feet and fifteen (15) feet. This setback cannot be used for parking. In cases where the city requests such setbacks for the ground floor, the developer may elect to have upper stories follow standard building minimum setbacks.

c. The City may, at its discretion, require setbacks for each story above the ground floor, based on road width, privacy of surrounding residential properties, and enhancement of the pedestrian realm.

Exceptions: Additional setback may be required depending on existing street frontage.

**9. Landscaping and Open Space:**

a. Landscaping shall be provided as per Article 7, Landscape Provisions,

b. Exterior Lighting. Pedestrian areas need to be well-marked and well-lit. Exterior lighting shall be an integral part of the architecture and landscape design. Street lighting shall relate in scale to the pedestrian character of the area. Pedestrian lighting shall be provided at a pedestrian scale of three to twelve feet, with the source light being shielded to reduce glare, thereby encouraging safe access to these areas twenty-four hours per day. Overall, lighting and pedestrian zone lighting is needed but shall not create glare or light spillage off site or beyond parking lots and streets.

c. Open Space: Open space shall be planted and maintained in accordance with the landscape plan that is approved by the Planning Council and City Commission, utilizing standards criteria from Article 4.4F.2 of the Land Development Code.

d. Knee walls associated with landscaping shall be required.

e. One 2 inch caliper or higher tree shall be required for each twenty (20) lineal feet of the lot line. Such trees along sidewalks shall be shade trees.

f. Residential/Commercial developments shall have a minimum of one thousand (1000) square feet of common open space and 50 sq. ft. per tenant, or five percent (5%) or the lot area as common open space, whichever is greater.

10. Tree Protection: Trees must be adhered to in accordance with Ordinance 10-03 entitled Tree Protection Program.

11. Street Frontage: In cases where the Master Site Plan creates a development abutting streets not listed in Section C.b of this article, requirements regarding landscaping, façade, lighting, and other provisions of this Overlay District along right-of-way is expressively required for these rights-of-way.

12. Site Plan Review shall be required for projects exceeding 25% of the value of the existing development and shall follow the procedures listed in Article 4.4 of the Land Development Code. Redevelopment projects costing more than 25% of the value of the existing development are required to conform to the entire code.

13. Projects with costs at or below 25% of the value of the existing development and/or where the change is tenant-initiated and consists of one or two units may be approved administratively.

14. Developer's agreement shall be required.

**Sec 22-100. Other Development Standards for Vertical Mixed Use Buildings**

1. Mix of Uses – Residential uses should not make up more than 80 percent of the floor area in any vertical mixed use building. Where feasible residential uses should be located above street level office retail or public uses.
2. First Floor Height. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.
  - a. Façade. The entire building façade must abut right-of-ways except when additional building setbacks are applied to allow for courtyards, outdoor seating areas, or other publicly accessible open space as part of the Master Site Plan.



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For any first floor retail use, a minimum of 75% of the street-facing façade, between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas. Blank walls shall not compose more than 25% in total of the building's first floor façade. The width limit of a blank wall on the first floor shall not exceed 10% of the width of the building.

- b. Entrances. Buildings must have a primary entrance door facing a public sidewalk or open space, and which is clearly visible from the street. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby, entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- c. Minimum dwelling unit size:
  - i. One-bedroom — 550 sq. feet minimum
  - ii. Two-bedroom — 725 sq. feet minimum
  - iii. Studio Units (Seniors Only) — 440 sq. feet minimum, capped at 30 percent of the development.
  - iv. Above two-bedrooms – 725 sq. feet plus 175 sq. feet per bedroom minimum
- d. Pedestrian Ways: Pedestrian ways or sidewalks, constructed of concrete, tile, paving, blocks, brick or other acceptable material, shall provide access from all multi-family structures to required off-street parking areas and recreational areas.

**Reserved Sec. 22-100 – 22-110.**

**ARTICLE V. SUPPLEMENTAL STANDARDS**

**Sec. 22-111. Exclusion from Height Limits**

No building or structure shall have a greater number of stories, nor height greater than what is permitted in the district in which the building is located. These limitations do not apply to chimneys, cooling towers, elevators, steeples, water towers, fire towers, spires, belfries, cupolas or other appurtenances usually located above the roof level and not intended for human occupancy, provided such structures do not exceed the height limits by greater than 20 percent and maximum of 5 percent of the total roof area.

- (A) These limitations do not apply to telecommunications, radio or television towers, cellular phone towers which may be erected in accordance with applicable Sections of the City Code. No sign, nameplate, display, or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank, or other structure which extends above the height limitations.
- (B) The City Commission may grant a waiver to these limitations where the applicant can demonstrate to the satisfaction of the City Commission that the proposed structure will not unreasonably restrict the free flow of light, sunlight, and air to neighboring properties nor otherwise be detrimental to the public health, safety and welfare.

**Sec. 22-112. Developer Agreement and Restrictive Covenants**

In conjunction with an application for a development order or building permit (excluding one single family or one duplex), the applicant shall submit a properly executed application for administrative review in a form set forth by the City, pay the required review fees and include a signed copy of the following statement:

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An acceptable Developer Agreement pursuant to Florida Statute 163.3220 shall be signed by the applicant and adopted by the City Commission prior to receiving a building permit. The agreement shall include provisions in addition to the requirements of Florida Statutes to guarantee, but not be limited to the following items:

1. All impacted public facilities shall be adequate to serve the site at an acceptable level of service (L.O.S.) prior to receiving a Certificate of Occupancy.
2. All public improvements required by a government agency or voluntarily proposed by the applicant to be installed by the applicant; i.e. water and sewer, sidewalks, roads, turn lanes, etc. shall either be constructed in accordance with applicable governmental regulations prior to a Certificate of Occupancy or the City shall receive an acceptable guarantee such as a cash bond or letter of credit.
3. The applicant agrees to abide by and not deviate from the terms of its graphic and verbal presentation submitted to the City Commission in order to receive a Development Order. Such items include, but are not specifically limited to;
  - A. Design of all physical structures, water bodies, private and public improvements.
  - B. The color and dimensional characteristics of all building materials.
4. The applicant guarantees to preserve and maintain all buildings and structures consistent with the original development order for the entire period in which the applicant owns the land or controls 51% ownership of the property.
5. The applicant shall submit annual reports and additional documentation as required by the City Commission in its development order to verify “on-going” compliance with its development order.After

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approvals of any development, the City shall conduct inspections minimally twice a year to verify ongoing compliance.

6. Subsequent to receiving a development order the design of all structures, materials and colors included in the applicant's documentation shall not be physically altered or substituted. The burden shall be on the applicant to prove that the material or color is no longer available.
7. A schedule of construction phasing, if applicable.
8. Any service impact mitigation measures to which the applicant has committed.
9. A requirement that the applicant, his successors or assigns, shall comply with the requirements of the final development order.
10. An agreement to provide necessary public improvement bonds, legal agreements, etc.
11. An agreement to allow the City to enter the property and inspect said property for compliance with the other pertinent provisions of the Developer Agreement.
12. Compliance with Resolution No. 5058, the Fair Share Agreement Resolution.

The Developer Agreement which the applicant has submitted as a condition of receiving final development order shall be recorded by the City in the public records of Miami-Dade County at the expense of the applicant and by declaration of restrictions executed by all parties having an interest in, or lien on the land, and running with the land prior to receiving the first building permit.

In the event that a development meets the Site Plan minor modification criteria contained in Section 22-56, the City may choose to enter into a Restrictive Covenant with the developer in lieu of a Developer Agreement. The Director shall determine administratively whether a

restrictive covenant is required when certain uses are proposed within an existing structure.

**Sec. 22-113. Exterior Lighting Standards/Light Pollution Reduction**

Exterior lighting intensities shall be controlled to assure that light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries. Exterior lighting shall be controlled to not adversely affect adjacent properties, neighboring areas, and motorists.

- (A) Fixtures. Exterior lighting shall be architecturally integrated with the character of the building. Full cut-off type lighting fixtures shall be used to illuminate all site areas, including pedestrian, parking, and circulation.
- (B) Type and Shielding Standards. Exterior lighting shall be fully-shielded to prevent glare. Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane beyond the levels noted above shall be considered non-compliant. The shield or hood must mask the direct horizontal surface of the light source. The light must be aimed to insure the illumination is only pointing downward onto the ground surface, without any upward escaping light permitted to contribute to sky glow.
- (C) Height. Exterior lighting not attached to structures shall be designed, located and mounted at heights no greater than 25 feet above grade.
- (D) Illumination Levels – Non Residential. Maximum illumination at the property line shall not exceed 0.3 foot candles and 0.01 foot candles 10 feet beyond the property line. The intensity of illumination for exterior lighting across the site shall not exceed 6 foot candles measured at grade. Fixtures shall be placed to provide uniform distribution of light and to avoid excessive glare.

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Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.

- (E) Flood or Spot Lamps. Flood or spot lamps shall be aimed no higher than 45 degrees from nadir when the source is visible from any off-site residential property or public roadway. Depending upon the fixture selected, these flood or spot lamps shall be required to include a glare shield to prevent glare. Any lamp installed on a residential property must be fully shielded such that the lamp itself is not directly visible from any other residential property.
- (F) Security Lighting. Exterior lighting for non-residential areas shall be reduced to a maximum of 1 foot candle from dusk until dawn. This level may be reduced to .5 foot candle on non-business days.
- (G) Landscape and Accent Lighting. Uplighting may be utilized for landscape lighting so long as direct light emissions shall not be visible above the roofline or beyond the building edge. Accent lighting shall be directed downward onto the building or object and not toward the sky or onto adjacent properties.
- (H) Parking Lots, Pedestrian Areas, and Street Lights. Due to their high energy efficiency, long life and spectral characteristics, Pulse-Start Metal Halide or LED lamp sources shall be the illumination sources for outdoor lighting throughout the City.
- (I) ~~Prohibitions. The use of laser source light or any similar high intensity light for point of sale or entertainment and the operation of searchlights for advertising purposes are prohibited.~~
- (J) Exemptions. Outdoor lighting fixtures on, in or in connection with the following facilities and land use types are exempt from the standards of this section, but voluntary compliance with the intent and provisions is encouraged.
  - 1. Land owned or operated by the government of the United States of America or the State of Florida, Miami-Dade County or the City.

2. Lights used by police, firefighting, or medical personnel.
3. Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from Thanksgiving thru January 15.
4. Flag Poles.
5. Underwater lighting used for the illumination of swimming pools, fountains and other water features.
6. Lighting of radio, communication and navigation towers; provided that the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Chapter 22.
7. Publically owned sports field lighting.

**Sec. 22-114. Boat Storage**

Boats and boat trailers of less than twenty-five (25) feet in length and eight (8.0) feet in width may be stored or temporarily parked in the R-1 zoning district only, subject to the following conditions:

1. Only one (1) boat per residential parcel is permitted.
2. The place of storage shall be to the rear of the front building line if adequate side or rear setbacks are available. Where the boat storage area is located between the residence and a side street property line, the boat shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet.
3. Boats and place of storage or temporary parking shall be kept in a clean, neat and presentable condition.

4. No major repairs or overhaul work shall be made or performed on the premises.
5. The boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.
6. For the purposes of loading and unloading equipment and supplies shall be permitted, but under no circumstances shall a boat be parked in the public right-of-way, including the swale area of a right-of-way.
7. For purposes of this section, the height of a boat shall be measured from the ground to the highest point of the boat including all extruding equipment.
8. For purposes of the section the following shall be exempt from the term “boat”:
  - (a) Non-motor-powered vessels;
  - (b) Non-motor-powered vessels used exclusively on private lakes and ponds;
  - (c) Vessels owned by the United States Government; and
  - (d) Vessels used exclusively as a ship’s lifeboat,
9. Upon the application of a resident, any requirement in this subsection may be waived by a majority vote of the City Commission. The application shall include a survey or site plan showing the dimensions of the property and proposed location of the boat, the type and location of the visual buffering from the front and rear of the property as well as



the neighboring property, and evidence of title and registration or in the event the boat has not been acquired a description of the boat to be stored, including dimensions.

10. The City Commission may grant such a waiver upon a showing by the applicant that the waiver maintains the basic intent and purpose of the zoning and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. In the event that a waiver is granted, such waiver shall not run with the land and shall not be transferrable to any other boat.

**Sec. 22-115. Parking of Trucks**

Within any residential district, no commercial trucks, earthmoving equipment, construction trucks, landscaping trailer, trailers, wagons, or recreation vehicles shall be parked [including overnight] within the front yard, or on any public right-of-way. Within any non-residential district, commercial trucks, trailers, wagons, or recreation vehicles shall be parked [including overnight] out of sight to the extent possible from roads, so as not to act like a sign.

**Sec. 22-116. Recreational Vehicle Storage**

The place of storage shall be to the rear of the front building line if adequate side setbacks are available. Where the R.V. storage area is located between the residence and a side street property line, the R.V. shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six feet. The front building line referred to shall be that portion furthest from the street.

**Sec. 22-117. Sales within Public Right-of-Way**

The sale of merchandise or goods within the right-of-way is prohibited except for fruits and/or plants grown on private residential property when the right-of-way is contiguous with the owner's property, or except as provided in Ordinance No. 14-15.

**Sec. 22-118. Property Maintenance**

The property maintenance requirements shall become effective upon adoption of these Land Development Regulations, however, no new enforcement proceedings shall commence under this section until 120 days after adoption. However, notices regarding any violations can be posted for informational purposes during this period. This 120-day period is to allow property owners time to make necessary improvements required under this section.

- (A) A structure shall have no more than 25 percent of its exterior roofs, walls and other elements of the structure covered with disfigured, discolored, cracked, or peeling surface materials for a period of more than 30 consecutive days.
- (B) A structure shall not have broken windows, holes in exterior surfaces including screens, roofs and walls, ripped awnings, loose materials, loose elements or other obvious exterior defects for a period of more than 30 consecutive days. Exterior materials shall form a weather tight surface with no holes, excessive cracks or decayed surfaces that permit air to penetrate rooms where such rooms are designed, used, permitted or intended for human occupancy or use.
- (C) An accessory structure, such as a shed, shall not have weeds, trees, vines, or other vegetation growing upon it greater than 12 inches in height in an untended manner for a period of more than 30 consecutive days.
- (D) All site lighting, parking areas, fences, railings, driveways, curbs, wheel stops, sidewalks, gutters, storm water management areas

and systems and other improvements and appurtenances shall be maintained in working order and reasonably free of defects.

- (E) The owner or tenant shall maintain all required landscape areas, trees and shrubs in a neat and healthy condition free of diseased, dead, or bare areas and free of debris and weeds.
- (F) The owner or tenant shall maintain all landscaped areas in a manner consistent with the requirements of this code. Dead landscape shall be replaced as necessary to maintain compliance with the regulations contained herein.
- (G) The property owner shall maintain the property and the exterior portions of any structures thereupon free of accumulations of debris, junk, garbage, or trash.
- (H) Hurricane shutters may remain up only during periods of weather emergencies issued by the National Weather Service for the area. During these weather emergency events shutters may be erected but shall not remain up for more than 2 weeks after the proclaimed event has passed.

**Sec. 22-119. Temporary Use**

The following uses require a temporary use permit issued per the requirements of Article III and the standards established below. At no time is a trailer to be considered a permanent structure for the operation of a business, except in I-4.

- (A) Uses authorized.
  - 1. Construction office trailers, construction equipment and/or materials storage, processing and fabrication for a development project with site plan approval.
  - 2. Temporary sales offices and model homes established for the express purpose of marketing a real estate development project with the site plan approval. The

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offices and model homes shall be located on and limited to the property which is being marketed for sales. Attended modular trailers for the purpose of collecting, storing or distributing goods on private property. Unattended facilities are prohibited in any zoning district.

3. Modular trailers or portables for the purpose of temporary facilities for private educational purposes for student classrooms and administrative space, for a development project with final site plan approval. The temporary facilities shall be located on and limited to the property which is the subject of the final site plan approval. The maximum time limit for use of the temporary facilities shall be 18 months from the date of final site plan approval. A removal bond in the amount of \$5,000.00 for each structure, in a form approved by the City Attorney, shall be required from the applicant prior to issuance of a permit for the temporary facilities.
4. Temporary storage units which are a transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on a property. Such units shall not be considered an accessory structure.
5. Freight cargo containers which are reusable enclosed or semi-enclosed vessel, cargo container or truck trailer shall not be considered an accessory structure.
6. The following requirements shall apply to the placement of temporary storage units and freight cargo containers in residential zones:

- (a) A temporary storage unit or freight cargo container shall be located on a residential lot for a maximum of

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fourteen (14) consecutive days, including the days of delivery and removal. An extension may be granted to the user by the City Manager, or designee, subject to conditions, for a reasonable additional time period in an amount not to exceed twenty eight (28) days. In no case shall the storage unit or container be located on a residential property for more than four month in a calendar year.

- (b) The user as well as the supplier, shall be independently responsible for ensuring that the temporary storage unit or freight cargo container is maintained in good condition, free from deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, holes or breaks at all times.
- (c) No storage of solid waste, construction debris, demolition debris or any illegal or hazardous material is permitted at any time. Upon reasonable notice to the user, the City may inspect the contents of any temporary storage unit or freight cargo container at any reasonable time to ensure that it is not being used to store materials that are not permitted.
- (d) No temporary storage unit or freight cargo container may be used to house humans or animals of any kind.
- (e) The date that the temporary storage unit or freight cargo container was dropped off must be clearly posted, in a weather resistant manner, on the temporary storage unit or freight cargo container.

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(f) The City Planning and Community Development Director may waive these guidelines that pertain to the duration that the temporary storage unit or freight cargo container may be kept on a property if the Director determines that the entity seeking the waiver by necessity needs an extension due to an acute, non self-imposed hardship.

7. **Construction or Demolition Fencing:** whenever a site plan or a demolition is required as provided in this ordinance or other applicable City of Opa-locka, Miami-Dade County laws or Requirements by the Florida Building Code. It shall be required by this ordinance for the applicant to obtain a temporary construction or demolition fence. No person or entity shall install or construct a temporary construction fence in this City without first obtaining a permit from the City's Building Department. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

(i.) Permitted fences.

(1) Except when located in the R-1 Zoning District, the following temporary construction fences are permitted in all the zoning districts:

- (a) Wrought iron or blackened aluminum.
- (b) Stucco and stone match main structure.
- (c) Masonry walls.
- (d) Wood pickets.
- (e) Concrete wall.
- (f) Frame plywood panel.

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- (g) Chain-link fences with canvas (or similar material) are permitted if the property owner or agent has obtained a demolition permit from the Building Department. The chain-link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this ordinance. The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier. Any person or entity found to be in violation of this subsection shall be subject to a fine up to \$500 per day
- (2) A temporary construction fence (as defined herein) shall be installed on the front, side, and rear property lines.
- (3) In the R-1 zoning district, no other material shall be used to construct a temporary construction fence on the front property line, except for the following:

  - (a) Masonry walls.
  - (b) Concrete walls.
  - (c) Frame plywood painted panel.
  - (d) Stucco and stone match main structure.
- (4) However, chain-link fences with canvas (or similar material) backing or meshing may be permitted on the side and rear property line, provided they are neatly designed and maintained as approved by the Building and Zoning Departments.
- (ii.) Prohibited fences.

  - (1) The following fences are not permitted, except as otherwise provided herein:

    - (a) Chain-link fences.
    - (b) Barbed-wire fences.
    - (c) Fences made of canvas material.
    - (d) Any fences that fail to meet the requirement of the Florida Building Code.

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- (2) Chain-link fences with canvas (or similar material) backing or meshing may be permitted to be utilized as a temporary construction fence for a period of no longer than 18 months in the R-1 and R-TH Zones, provided they are neatly designed and maintained as approved by the Building and Zoning Departments.
- d. Maximum and minimum height. A fence is permitted a maximum height of 12 feet and a minimum height of six feet.
- e. Setbacks. A temporary fence installed on the front of the property shall be situated six feet from the property line in the R-1 zoning district, unless specifically waived by the City Commission. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the City for the buffer. Failure to maintain the landscaping will result in the City taking action to replace same and lien the property for the costs of landscaping.
- f. Expiration of permit. A temporary construction fence permit issued under this chapter shall expire upon the issuance of a certificate of occupancy. The temporary fence shall remain on the property until the completion of construction, provided that it shall be removed in accordance with the terms of the Florida Building Code.
- g. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the City Commission at site plan review pursuant to this ordinance. The City Commission, in its discretion, may permit graphics and painted murals on temporary construction fences for aesthetic enhancement of the fence and advertisement of the project to be constructed at site plan review. A minor change as defined by the Land Development Regulations (LDRs) may be approved administratively by the City Manager without notice to the Commission.
- h. Fees. The City Manager or designee may impose fees as he/she may determine appropriate for the use of construction fences for advertisement purposes in accordance with the City's fee schedule ordinance.



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- i. Access gates. All temporary construction fences shall contain access gates with a minimum clear opening width of 12 feet. Access gates must be provided at the front and rear of the enclosure. Gates must be kept unlocked during inspection hours.
  - j. Temporary construction signs. Construction, erection, and maintenance of temporary construction signs shall be governed by the City signage code section of the Land Development Regulations.
  - k. Appeals. Any decision made by the City Manager or designee regarding graphics, advertisement, and murals on a temporary construction fence may be appealed to the City Commission.
  - l. Enforcement and penalties. The Code Enforcement and Building Department shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to a \$500 fine per day.
- (B) Maximum time limit. A maximum time limit shall be established for all temporary uses based on the minimum amount of time needed to conduct the permitted activity. Temporary uses and structures related to real estate development projects shall not be maintained longer than the time necessary to complete the construction of the project and shall be removed within 30 days of the final certificate of occupancy.
- (C) General criteria and limitations. The temporary use shall be compatible with the surrounding land uses. A parking problem shall not be created. If off-site parking is to be utilized, permission must be in writing from the owner of the property utilized. An applicant may not receive a temporary use permit on the same property more than three times within a calendar year, unless approved by the City Commission. The temporary use must not endanger the public health or safety of the citizens or businesses of the City.

**Sec. 22-120. Temporary Outdoor Sale of Trees and Fireworks**

Temporary outdoor sale of trees and fireworks associated with holidays in December, New Years Day, Independence Day, and pumpkins associated with Halloween, are permitted in non-residential zoning districts. The siting and sale of fireworks and pumpkins is allowed for a maximum of 30 days and trees associated with holidays in December for a maximum of 45 days. The permit shall not be issued or be effective for more than 45 days prior to the actual holiday. The permit shall expire and the use shall be removed by the 3<sup>rd</sup> day following the holiday. Trucks, trailers and flat beds are not permitted on the site except for short-term delivery of the products. A single recreational vehicle is permitted on-site for the duration of the use to monitor site activities and secure the property. In addition to the Director, the permit application shall be reviewed by the City Building Official, Miami-Dade County RER, and the Fire Department to determine if any additional permits or conditions of the Permit shall be required.

- (A) The Applicant shall provide written authorization from the property owner along with evidence of adequate on-site parking which safely manages the parking needs of the temporary use in association with existing site activities. Any and all activity shall operate only between the hours of 10 am and 10 pm and shall be of a non-permanent nature.
- (B) The use is allowed one 24-square foot non-illuminated temporary sign. No application will be considered for a property or Applicant that is the subject of a pending code enforcement action or lien.

**Sec. 22-121. Sheds**

Rear yard storage sheds are permitted as accessory structures in residential zoning districts. The maximum square footage may not

exceed 15% of the total square footage of the rear yard and not including the side yards. Sheds are not permitted in non-residential developments and may not use as habitable structures.

**Sec. 22-122. Structures and Uses Limited in Yards**

No principal building or structure shall be located within any required setback or yard, within any setback or yard established by a recorded plat or recorded easement, nor in any required buffer or screen.

- (A) Notwithstanding other provisions of this section, architectural features such as but not limited to cornices, eaves, bays, awnings, steps, chimneys, fireplaces, gutters, porches, etc. may project up to 3 feet into an established or required yard, provided that where the yard is less than five feet in width such projection shall not exceed one-half the width of the yard. Stairways and balconies which are unroofed and unenclosed and balconies in side yards of multiple-family dwellings, hotels and motels, may project up to four feet, provided they do not extend more than one-half the width of the yard.
- (B) Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible. Where there is no reasonable alternative, the structure shall be covered in a non-reflective material and surrounded on all sides visible from public streets and abutting properties, by an opaque landscaped screen.
- (B) Fences, walls and hedges are permitted in required yards, subject to the provisions of this Article.

- (C) Walks and yard lights are permitted within the setback, provided however, that no structure shall be allowed in a recorded easement without first having obtained the approval of the easement holder.
- (D) Equipment for swimming pools, solar installations, air conditioning units and garbage receptacles with walls not exceeding four feet in height above base flood elevation are permitted to encroach four feet in side yards. Equipment for swimming pools, solar installations and air conditioning units are permitted to encroach four feet in rear yards.

**Sec. 22-123. Group Homes**

Group Homes are limited to 6 resident clients on the premises. The operation of the facility is licensed by the State of Florida Department of Health and Rehabilitative Services and the Planning and Community Development Director is notified of the licensure no later than the time of home occupancy. The structure used for the group home shall be located at least 1,000 feet from another existing, legally established group home. The 1,000 foot distance requirement shall be measured from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

**Sec. 22-124. Day Care and Other Nursery Facilities**

- (A) The purpose is to provide places for day care for children upon approval of the Planning Council in R-2, R-3, R-4, B-O, B-1 B-2, MU, and are permitted in industrial districts where day care

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facilities are provided on premises by the employer for children of employees. The Planning Council shall take care to ensure day care facilities are adequately spaced and not clustered.

- (B) A day care and/or nursery facility is a legally approved structure for use on a permanent and continuous basis and is used to provide day care for children six (6) years of age or under. Said care shall be other than that normally provided by parents or guardians.
- (C) The more stringent of the requirements of this Section, Miami-Dade County or the State of Florida shall apply.
- (D) Other County and State approvals shall be required.
- (E) Day care and/or other nursery facilities shall be permitted only upon approval by the City Commission after considering the recommendation of the Planning Council. An annual license must be obtained from the City.
- (F) Employee background investigations may be required. If performed the applicant shall be responsible for all associated fees.
- (G) Accessory structures which support and are compatible with day care and/or nursery facilities may be permitted.
- (H) Development Regulations.
  - 1. Minimum lot area shall be no less than 5,000 square feet.
  - 2. Yard setbacks shall be in compliance with the minimum requirements or the more stringent requirements of the zoning district in which the use is located.
  - 3. Accessory structures related to day care and/or nursery facilities are play equipment, sand boxes, swimming pools, or covered rest areas.
  - 4. Height shall not exceed two (2) stories or twenty-five (25) feet.
  - 5. Lot coverage for all structures shall not exceed 40%. At least 20% of the lot shall be landscaped.

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6. Parking, in a permanently maintained, paved and landscaped off-street parking area shall be provided at one (1) space per 500 gross feet of floor area.
  7. The minimum floor area, including kitchen, office/storage and toilet facilities, shall be 1,500 square feet. Facilities with capacities exceeding 40 children shall provide 20 square feet of additional floor area per child.
  8. Outdoor play area shall be provided at a minimum of 45 square feet per child using the play area at any one time. The minimum play area shall not be less than one-half of the licensed capacity.
- (I) Other Development Regulations.
1. Fencing and screening shall be provided at a minimum six (6) feet in height for outdoor play areas. Fencing shall be constructed of masonry, metal picket or wood. Fencing shall be designed so as not to create a safety hazard to any child.
  2. Any water that may be hazardous to any child shall be adequately fenced so as to prevent unsupervised access.
  3. Outdoor play areas shall be properly supervised at all times and be clean and free of debris.
- (H) Day care and/or nursery facilities shall not be located closer than 1,000 feet to any establishment that sells liquor for on or off premises consumption as its principal purpose. Additionally, Day care and/or nursery facilities shall not be located closer than 500 feet to any establishment that sells beer and/or wine for on or off premises consumption as its principal purpose. This sub-section shall not apply to retail convenience food stores, grocery stores and restaurants whose principal business is not the sale of alcoholic beverages.

**Sec. 22-125. Places of Religious Worship**

- (A) The purpose is to provide places for places of worship as a special exception upon approval in designated zoning districts as per Sections 22-79 – 22- 83.
- (B) A place of worship structure is a legally approved structure approved for use on a permanent and continuous basis for public worship.
- (C) The more stringent of the requirements of this Section, Miami-Dade County or the State of Florida shall apply.
- (D) A place of worship shall have a minimum gross floor area of 1,000 square feet and at least two means of ingress/egress.
- (E) Places of worship and accessory uses shall only be permitted upon approval of a special exception by the City Commission. An annual license must be obtained from the City.
- (F) Development Regulations.
  - (1) Minimum lot area shall be no less than 10,000 square feet and have a minimum lot frontage of 100 feet.
  - (2) Setbacks for the building and any accessory building shall be set back at a minimum 25 feet from the front and rear property lines and at a minimum 10% of lot width for side setbacks, unless the lot is a corner lot then side shall be setback 15 feet front the side street. When abutting residentially zoned property, the setback shall be at least

10 feet from the side property line and 30 feet from the rear property line.

- (3) The maximum exterior height shall not exceed 35 feet; except that a steeple, cupola, tower, dome or other ornamental vertical projection that is unoccupied may be higher provided that such projection shall not be higher than the setback distance from each property line minus two feet.
  - (4) Lot coverage for all structures shall not exceed 40%. At least 25% of the lot shall be landscaped.
  - (5) Off-Street parking shall be regulated by this chapter under Article X, Off-Street Parking and Loading Requirements.
- (G) The more stringent of the requirements of this Section, Chapter or Code shall apply.
- (H) Religious buildings shall not be located closer than 1,000 feet to any establishment that sells liquor for on or off premises consumption as its principal purpose. Measurements shall be made or taken from the main front entrance of the place of business to the main front entrance of the place of worship.
- (I) Accessory uses may be permitted after approval of a Special Exception.
- (J) Landscaping shall be regulated by this chapter under Article VII, Landscaping and Tree Preservation.

**Sec. 22-126. Swimming Pools**

No swimming pool shall be permitted within the required front yard area, or within utility, drainage or access easements. Swimming pools shall be



required to have a safety barrier. Above-ground pools and spas which exceed 48 inches in height must meet all structural setback requirements.

- (A) Safety barrier. No swimming pool final inspection and approval shall be given by the City, unless there has been erected a safety barrier. The safety barrier shall take the form of a screened-in patio, a wooden fence, a rock wall, a concrete block wall, or other materials so as to enable the owner to blend the same with the style of architecture planned or in existence on the property. The minimum height of the safety barrier shall be not less than four feet. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected. The barrier shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. Gates shall be of the spring lock type, so that they shall automatically return to a closed position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.
- (B) Permits. Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of these regulations. No swimming pool permit shall be issued unless simultaneously therewith a permit is secured for the erection of the required safety barrier; if the premises are already enclosed, as herein before provided, a permit for the safety barrier shall not be required, if, upon inspection of the premises, the existing barrier is proven to be satisfactory.
- (C) Construction specifications of walls and fences. For a wooden type fence, the boards, pickets, louvers, or other such members,

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shall be spaced, constructed, and erected, so as to make the fence non-climbable and impenetrable. Walls, whether of the rock or block type, shall be so erected to make them non-climbable.

- (D) Authority to disapprove barriers. It shall be within the discretion of the building inspector to refuse approval of any barrier which, in his opinion, does not meet the safety requirements of this regulation, i.e., that it is high enough and so constructed, to keep the children of pre-school age from getting over or through it.
- (E) Maintenance of safety barrier; duty of owner, occupant. It shall be the responsibility of the owner and/or occupant of the premises containing the swimming pool to maintain and keep in proper and safe condition at all times the safety barrier required and erected in accordance with this section.
- (F) Maintenance of pool; duty of owner, occupant. It shall be the responsibility of the owner and/or occupant of the premises containing a swimming pool to keep such pool from becoming a health hazard to the community. In the event any person owning or occupying the premises containing a swimming pool permits the safety barrier to become in an improper and unsafe condition, or permits the swimming pool to become a health hazard to the community, the City may direct a letter by certified mail to the owner or occupant of such premises, advising such owner or occupant that the City will have such safety barrier put in a proper and safe condition or correct the health hazard of the swimming pool within a period of ten days from receipt of such letter. The City shall be authorized to place a lien on the property not in compliance with this section in order to recover the costs associated with enforcement of this section.

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

**Sec. 22-127. Flea Markets and Bazaars**

- (A) The establishment and operation of Flea Markets and Bazaars shall only be allowed by Special Exception within the B-3 and Industrial Zoning Districts and after site plan approval.
- (B) A flea market and/or bazaar shall be in a legally approved structure for use on a permanent and continuous basis and shall be used as a market for the sale of a variety of goods.
- (C) All flea markets and bazaars shall comply with the regulations of this Code; the applicable zoning district regulations; Chapter 13,

Article XI License and Business Regulations; and, all other regulatory licensing, health and safety codes of the City, Miami-Dade County and State of Florida.

- (D) Design standards for flea markets and bazaars are set forth in Chapter 13, Article XI License and Business Regulations.

**Sec. 22-128. Yard Sales**

General sales open to the public conducted on residential premises in any district for the purpose of disposing of personal property, including, but not limited to, all sales entitled garage, lawn, yard, attic, porch, estate, and/or patio sale; but which in no way shall be construed to include flea markets which is specifically excluded here from.

- (A) A no charge, 2-day permit shall be obtained from the ~~Planning and Community Development Department~~. Building & License Department. The maximum number of permits which may be issued per site, per year is 4. In addition, the City Commission may establish by resolution, two days per year in which yard sales may be allowed community-wide. No permit will be required on the days established for community-wide yard sales.
- (B) Only personal property for the purposes of this article is that which is owned, utilized, maintained, and acquired during the course of living in and maintaining a residence by an individual or members of the household, and shall specifically exclude merchandise which was purchased for resale or obtained on consignment.
- (C) Yard sales to be located at multifamily residential buildings shall be accompanied by the written permission of the property owner, manager, and association.
- (D) It shall be unlawful for any person to conduct a yard or garage sale other than between the hours of 7:00 a.m. and 7:00 p.m. A yard or garage sale shall consist of a maximum of 2 consecutive

days and shall only take place on a Friday, Saturday, Sunday or a national holiday.

- (E) Merchandise to be sold at a yard or garage sale shall be displayed in a garage, carport, private driveway or yard. Merchandise shall not be displayed within the public right-of-way or swale area. All items shall be removed by the end of the last day of the sale. In the event that a yard or garage sale consists of 2 days, all items kept overnight between the first and second day shall be covered in a water proof material.
- (F) Signs advertising yard sales shall be displayed only during the times of the sale and be permitted as follows:
  - 1. One (1) sign may be located on the residential property on which the sale is occurring;
  - 2. Up to three (3) signs advertising a yard sale are permitted to be placed on private property, with the consent of the property owner, off-site from the location of the garage sale; and
  - 3. Signs shall not be larger than 22 inches by 28 inches.
  - 4. Yard sale signs shall not be permitted within the public right-of-way or swale. Signs advertising such sales must be removed within twelve (12) hours after the completion of the sale.

**Sec. 22-129. Lot Frontage and Yard Requirements**

A single-family structure may be constructed on any nonconforming lot in any single-family residential district if the non-conformity is that it does not meet the minimum lot size in the residential district in which it is located, and provided the following conditions exist or are met.

- (A) No structure shall be constructed on a nonconforming lot unless it has a minimum side yard of ten percent of front yard lot width, or a minimum side yard of 15 feet where adjacent to any street.
- (B) No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the residential district in which the lot is located.

- (C) On lots which abut more than one street, building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots. Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation. On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Director. The determination will be based on the project's ability to achieve an appropriate spacing of buildings and orientation to the street[s].

**Sec. 22-130. Impervious Area**

Impervious area coverage provides a control of the intensity of development of land, by controlling the amount of the land which may be covered by any type of impervious area. The impervious surface ratio is calculated by dividing the total impervious area by the gross site area.

- (A) Alternative materials. If porous paving materials [grasscrete, gravel or other like materials] are used in accordance with the Florida Building Code, then only 20% of the area covered with porous paving materials shall be counted as impervious area unless manufacturer information indicates a higher percentage of pervious penetration.
- (B) If pavers are used in accordance with the Florida Building Code, then only 35% of the area covered with pavers shall be counted as impervious surface unless manufacturer information indicates a higher percentage of pervious penetration.

**Sec. 22-131. Stormwater Management**

All stormwater management systems shall comply with applicable City, County, State of Florida and Federal regulations.

**Sec. 22-132. Underground Utilities**

It is a requirement that all new utility distribution and service lines in the community to be placed underground.

- (A) Feeder, Distribution and Service Line Crossings. All new feeder utility distribution line and service line crossings of public rights of way and property shall be placed underground. No new public utility distribution or service line shall cross any public right of way within the City without first obtaining a written permit from the City Manager, or his designee, in compliance with the provisions of the City.
- (B) Distribution systems. All distribution systems, whether wire, pipeline, coaxial, fiber-optic cable or other, shall be underground unless unfeasibility of such installation has been documented and the documentation accepted as satisfactory by the Director. In making this decision on the adequacy of the documentation and appropriateness of the request, the Director shall consider the following factors:
1. Terrain
  2. Impacts on other customers,
  3. Load characteristics
  4. Reliability
  5. Accessibility
  6. System flexibility
  7. Equipment availability
  8. Safety
  9. Timing
  10. Excessive conflicts with other utilities

- (C) **On-site Service.** Within any new development, all utilities installed to serve the project shall be placed underground, without expense to the City, from the point they enter the site.

**Sec. 22-133. Utilities**

The following basic utilities are required for all developments subject to the criteria set forth in this section.

- (A) **Electricity.** Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- (B) **Water and sewer.** Every principal use and every lot within a subdivision shall have central potable water and wastewater hookups whenever required by the comprehensive plan.
- (C) **Telephone.** Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- (D) **Illumination.** All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments of three lots or more shall provide illumination, except that the City Commission may waive the requirements for streetlights if the benefits derived are not consistent with the costs thereof.
- (E) **Fire hydrants.** All developments served by a central water system shall include a system of fire hydrants.



- (F) Cable TV. Every principal use and every lot within a subdivision shall have available to it a television cable service adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- (G) Utility easements. When a developer installs or causes the installation of water, sewer, storm drainage, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**Sec. 22-134. Walls, Fences and Hedges**

All walls, fences and hedges placed within required yard areas shall conform to the following regulations, except where special requirements are set forth for specific buffering or screening purpose elsewhere in this Code.

- (A) In residential districts the maximum height for walls, fences and hedges shall not exceed 4 feet in height, or 6 feet in height in R-1 and R-2 zoning districts if of wrought iron or aluminum picket construction as per Ordinance 13-12, measured from the final grade in front yards and 6 feet in height in side and rear yards.
  - 1. Walls and fences shall be erected with the finished side outward.
  - 2. The use of barbed wire, electric fencing, and/or similar is prohibited in all applications.
  - 3. All Fences within all residential districts are required to have additional landscape, i.e.: shrubs and trees alongside

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the fence not to extend beyond any existing property line or cause to encroach within any abutting right-of-way.

- (B) In commercial or mixed use districts the maximum height for walls, fences and hedges shall not exceed 6 feet in height, measured from the final grade in front yards and 10 feet in height in side and rear yards.

1. Walls and fences shall be erected with the finished side outward.
2. The use of ~~chain link~~, barbed wire, electric fencing, and/or similar is prohibited in all applications.

- (C) In industrial districts the ~~maximum~~ height for walls, fences and hedges shall be a minimum of 8 feet in height.

1. Walls and fences shall be erected with the finished side outward.
2. The use of chain link and/or similar shall require conditional use approval. Green screen, mesh or other similar materials attached to fence is permitted conditionally on fences as a temporary device to be used to restrict views into a property for a period of 12 months not to exceed a total of 24 months, until a plant material can be properly installed and mature to a point of creating a visual barrier. Plants must be secured and installed at the same time as the green screens installation.
3. For sites abutting a public right-of-way, all fencing shall be recessed within said property at a minimum of six (6") inches from the property line for residential R-1 and R-2 zoned properties and six (6') feet from the property line for other residential, commercial or industrial zoned properties.
  - i. Recessed area shall be use for trees (minimum 10 feet at time of planting) and shrubs. Please

see Landscaping standards for additional requirements.

ii. Elements and landscaping within recessed area shall be protected by physical features i.e.: type D curbing and/or any other physical barrier deemed appropriate or satisfactory by the Director of Planning and Community Development in order to prevent any damage to the said elements by surrounding activities and/or conditions.

iii. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed in the recessed area.

(D) The permitted elements/vegetations (landscape) may be placed on the property lines, but may not extend into the right-of-way or beyond property lines. No wall, fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site. Any encroachment of a wall, fence or hedge into a utility easement shall be supported by a letter from the respective utility authorizing such encroachment, prior to obtaining the building permit .

**Sec. 22-135. Events**

An event includes any use of a public or private facility (park, meeting hall, gazebo, shelter, parking lot, street right-of-way, etc.) in a manner which could limit the normal access and use of such facility by the general public.

(A) An event may include but is not limited to any of the following activities:

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1. Use of a public or private facility where the activity is advertised to attract participants and/or spectators beyond normal daily use;
  2. Involves a planned contest with prizes or awards;
  3. Includes advertising, displays or sale of goods or services of any type;
  4. Includes the placement and use of tents, portable toilets, sales booths, temporary parking area, blocking of public rights-of-way, etc.;
  5. May impact City rights-of-way, or could affect public safety;
  6. Private gatherings where a group of individuals desire exclusive use of any public facility;
  7. Carnivals, fairs, concerts, circuses or similar community events;
  8. Other gatherings as determined by the City Manager.
- (B) Whenever a group or individual seeks exclusive use of part or all of a public or private facility for any length of time, an Event permit is required. If the event is held on private property, the application must be submitted with evidence of prior approval by the property owner or property manager. An Event permit requires either Administrative Approval or City Commission Approval. The following criteria shall be used to establish whether an event requires Administrative Approval or City Commission Approval.
- I. Administrative Approval. Approval may be granted by the Department if all the following criteria are met. If the event is held in a City Park, the park rental fee shall apply.
    - a. The event will draw 200 or less guests during the entire event.
    - b. The event will last 4 hours or less and not begin before 7 a.m. and end not later than 11 p.m.

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- c. The event will not involve the sale or distribution of alcoholic beverages to the general public. This restriction does not apply to “by invitation only” private parties.
  - d. The event will only occupy a small portion of a City park or other area and have minimal impact on a City right-of-way/property.
  - e. The event does not require police security or fire department services.
  - f. If tents or canopies are to be used, a building permit may be necessary.
2. City Commission Approval. This approval will be required when one or more of the following is true about a particular event:
- a. The event may draw more than 200 people;
  - b. The event is scheduled for more than 4 hours and/or will span multiple days;
  - c. The event will involve the sale or distribution of alcoholic beverages to the general public;
  - d. The event will require police security or fire department service. Public safety personnel to be used shall be hired from the Miami-Dade County Police Department or Fire Department staff. This shall not preclude an event organizer from having additional on-site security at their discretion. Any required police or fire service may be exempted by the Police or Fire at their discretion;
  - e. The event will require organized and monitored parking;

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- f. The event involves the barricading or closure of any public roadways;
  - g. The event will occupy the majority of the land area in the subject park;
  - h. The event is being held by a for-profit group or individual or a for-profit group is a major part of the event;
  - i. The event includes a carnival, circus or exhibition;
  - j. The event might place an extreme burden on City work crews because of its nature, size or timing;
  - k. Off-premise directional signage is planned.
- 3. Time Issues. Event organizers should include both set-up and clean-up time in their total time request for event approval. Event organizers shall contact the Department at least 90 days prior to their target date for the event in order to determine the feasibility and approval process required. Requests for approval shall be submitted at least 60 days prior to the event. Events must receive approval at least 10 calendar days in advance of the first day of the event.
- (C) Permit Conditions. The Director and City Commission may impose conditions on an event permit as is necessary to protect the public health, safety and welfare and minimize impact to adjacent uses.
  - I. Conditions which may be imposed may include, but are not limited to:
    - a. Yard, setback, open space and visibility triangle limitations;
    - b. Temporary fences, walls or other screening;
    - c. Signage;

- d. Vehicular and pedestrian ingress and egress;
- e. Property maintenance during and after the course of the activity;
- f. Control of illumination, noise, odor, vibration or other nuisances;
- g. Hours of operation;
- h. Exterior lighting.

(D) General Criteria. The following criteria shall be used to review the application for a special event permit:

- a. The event must be compatible with the surrounding land uses;
- b. The event must have a plan to accommodate the expected number of vehicles in an efficient manner that will not result in a parking problem for the surrounding area. If off-site parking is to be utilized, permission must be in writing from the owner of the property utilized;
- c. The applicant has not requested a special event permit on the same property more than three times within a calendar year, unless approved by the City Commission;
- d. The event must not endanger the public health or safety of the citizens or businesses of the City.

(E) Termination. At the end of the time period for which the event permit was issued, the event shall be discontinued and all temporary structures and signs shall be removed within 24 hours. Failure to comply with this requirement shall be a violation of this Code.

- (F) Revocation of Permit. The Director may revoke an Event Permit at any time upon the failure of the owner or applicant of the use covered by the permit to observe all requirements of the permit, this Section and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the Director to the owner or operator of the use, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Code.

**Sec. 22-136. Regulations of Adult Entertainment Establishments**

- (A) Authority. This article is enacted pursuant to the City's power to enact regulations to protect the public health, safety, and general welfare of the residents of the City, Chapter 166 of the Florida Statutes.
- (B) Findings. Based on the evidence and testimony presented before the City Commission and on the findings incorporated in the "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas); "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008) (Texas); "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California); "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio); "A Report on the Secondary



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Impacts of Adult Use Businesses in the City of Denver,” by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor’s Office, and in consultation with the City’s Attorney’s Office, Denver, Colorado (January 1998); “An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas” by Peter Malin, MAI for Office of the City Attorney (April 1997); “Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997); “Adult Use Study,” by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996); “Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses,” by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996); “Adult Entertainment Study” by Department of City Planning, City of New York (November 1994); “Adams County Nude Entertainment Study” by the Adams County Sheriff’s Department (1991)(Colorado); “Adult Entertainment Business Study for Manatee County, Florida,” by Manatee County Planning and Development Department (June 1987); “Effects of Adult Entertainment Businesses on Residential Neighborhoods,” by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); “NLC Summaries of “SOB Land Use” Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses,” National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005; the City Commission hereby finds as follows:

1. Establishments exist or may exist within the City where books, magazines, motion pictures, videos, prints, photographs, periodicals, records, novelties, and devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and sold.
2. Establishments exist or may exist within the City where:

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- a. The superficial tissues of one person are manipulated, rubbed, stroked, kneaded, or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
  - b. Dancers, entertainers, performers, or other individuals, who, for forms of commercial gain, perform or are presented while displaying or exposing specified anatomical areas; or
  - c. Lap dancing occurs.
3. The activities described in subsections (1) and (2) occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the City in the interest of the health, safety, and general welfare of City residents.
4. The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest, quality of life, tone of commerce, and total community environment.
5. The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or semi-nude entertainment in exchange for or as consideration for nude or semi-nude performance by such individuals.
- (C) Intent and Purpose--Regulated Uses. It is the intent and purpose of this section to regulate the location and separation of adult entertainment uses, referred to herein as "regulated uses," which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near properties zoned, planned or developed with incompatible uses, thereby having a deleterious effect upon the adjacent areas. Further, it is recognized that the location of even one (1) regulated use near an incompatible use

causes such deleterious effects on that area. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. The regulations seek to prevent a concentration of regulated uses in any one (1) area. This article has neither the purpose nor the effect of limiting or restricting access by adults to sexually oriented, non-obscene materials protected by the First Amendment, or denying access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(D) Exemptions. This section shall not apply to accredited universities, colleges or other educational institutions; libraries, art galleries, museums, art exhibits and galleries open to the public; arts and cultural performance theaters and playhouses; or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits. Such uses shall not be considered regulated uses.

(E) Location. Regulated uses shall be permitted only within the Transit Corridor zoning district.

(1) No person shall cause or permit the operation of any proposed regulated use within the following minimum distances from any existing uses specified below:

- a. Places of worship, 1,000 feet;
- b. School, 1,000 feet;
- c. Public park, 1,000 feet;
- d. Residential – 1,000 feet
- e. Another regulated use, 300 feet; and

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For purposes of this section the term "school" shall be defined as any premises or site upon which there is a day care center, nursery school, pre-kindergarten, elementary school, middle school, high school, or library.

(2) The subsequent establishment of the uses listed in (a)(1) through (4) within these distances of an existing regulated use shall not change the status of the regulated use to that of a nonconforming use.

(3) The distance provided for in this section shall be calculated by airline measurement from property line to property line, using the closest property lines of the parcels of land involved. Where the distance is measured to a roadway, it shall be calculated from the property line of the regulated use to the edge of the right-of-way for the roadway. For purposes of this subsection, the term "parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

(4) Variances to the location standards of this section shall not be allowed.

- (F) Certified Survey. For purposes of establishing the distance between regulated uses, other regulated uses and incompatible uses, as set forth above, the applicant for any regulated use shall furnish a certified survey from a registered surveyor indicating the distance from the regulated use, any other regulated use and any incompatible use as set forth above. In case of any dispute, a measurement scaled by the Director of the Planning and Community Development Department shall govern. For the purposes of this division, all measurements of distances shall be along a straight airline route from the nearest point on the property line of any property which is regulated hereunder to the nearest point on the property

line of any property or use described in paragraph (E) above. If the property is one of multiple separate but attached bays designed for separate businesses, the property line of the parcel that contains the multiple-bay structure shall be considered the property line for purposes of this measurement. Therefore, no more than one regulated use may be located in any one structure, even if that structure contains multiple, separate but attached bays designed for separate businesses.

(G) Prohibited Uses. Adult mini motion picture theaters, adult booths, and outdoor adult theaters are hereby prohibited within the City of Opa locka.

(H) Penalties. Any person violating the provisions of this article shall, upon conviction, be subject to the penalties of the Land Development Regulations, City Code, or by any other means authorized by law.

**Sec. 22-137. Alcoholic Beverages**

(A) No alcoholic beverage sales (package) shall be permitted upon premises closer than 1,000 feet from any religious facility, school, park, residential (R-1 or R-2 zoned property only) ~~area~~ or like establishment without approval by the City Commission. Other residentially zoned properties are exempt from this distance requirement.

(B) In reviewing an application for alcoholic beverage sales (package), the City Commission shall consider, but not be limited to the following criteria:

1. Location of building on the site.
2. Location of entrances and exits to the licensed establishment.
3. Proposed hours of operation.
4. Other uses of business adjacent to or between the licensed establishment and the religious facility or school.

5. Vehicular and pedestrian paths between the licensed establishment and the religious facility or school.

6. That the location is not detrimental to the public health, safety and welfare.

(C) The 1,000 foot distance requirement shall be property line to property line, except in the case of religious facilities, which shall be measured pedestrian pathway from front door to front door. In the case of religious facilities in industrial areas, the distance required shall not apply.

**Sec. 22-138. Unity of Title Requirements for Residential Development**

(A) In order to assure that proposed development are developed in substantial compliance with proffered plans approved b public hearing, the Director may, when he deems it necessary in order to preserve the integrity of a development, require a property owner to file a unity of title, or other similar agreement or covenant, on a form approved for legal sufficiency by the City Attorney.

(B) Maintenance of common areas and facilities

1. A homeowners' association, or similar association, shall be created for the entire development as a master association which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas so long as said associations, or the members thereof, are made members of the master association, or,

2. The property owner shall execute and record among the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas.

3. Each phase of development, when standing independently or in conjunction with existing developed contiguous phases, shall meet all zoning requirements. This subsection shall not be subject to a request for a variance.

4. Recordable documents establishing reciprocal rights or cross-easements for satisfaction of zoning requirements (including water and sewer lines, common parking areas, streets, driveways, entrances and exits, etc.)

(C) The recordation of separate mortgages on each phase subsequent to the recordation of a unity of title or other similar agreement or covenant shall not be deemed as a breach of the agreement, nor shall sales of individual units in the development.

(D) The provisions of this section shall not render structures approved pursuant to these provisions as nonconforming in nature. Subsequent changes more restrictive in nature in this code relating to the underlying zoning on the property shall render the uses nonconforming in nature.

**Sec. 22-139. Art in Public Places**

(A) The City of Opa-locka hereby prescribes an Art in Public Places program for the acquisition, management and maintenance of works of art in new public buildings, pursuant to Miami-Dade County regulations.

(B) Definitions. For the purpose of this section, the following terms are hereby defined:

1. Construction cost is defined to include architectural and engineering fees, consulting fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract through change orders. All construction costs shall be calculated as of the date the contract is executed.

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2. New public building is defined as new construction of a public facility, or the substantial rehabilitation or improvement of an existing public facility if:

a. The cost of the rehabilitation or improvement exceeds fifty (50) percent of the total value of the existing public facility; or

b. The rehabilitation or improvement results in a fifty (50) percent or more increase in the existing public facility's square footage.

3. Works of art is defined as the application of skill and taste to production of tangible objects, according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, lighting designs and drawings.

(C) Appropriation for construction to include amount for works of art. The City shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1.5) percent of the construction cost of new public buildings. Municipal, state, federal, private and other non-city funds for capital projects are subject to the 1.5% public art requirement. In addition to acquisition, the appropriation may be used for:

1. Program administrative costs, insurance costs, the repair and maintenance cost of any works of art acquired under this section; or

2. To supplement other appropriations for the acquisition of works of art under this section or to place works of art in, on, or near government facilities which have already been constructed.

(D) Procurement process. Works of art shall be chosen by a selection committee through a transparent, competitive, quality based procurement process. Procurement decisions shall be based on those responses received



from artists to the City's Request for Proposals or City's Request for Qualifications, pursuant to the city's procurement policies.

(E) Waiver of requirements. The requirements of this section may be waived by resolution of the City Commission when and if it appears to said Commission that a construction project covered hereunder is not appropriate for the application of the above requirements.

(F) Art Selection Committee. The City Manager or designee shall establish the Art Selection Committee to administer the program and facilitate the program's intent. The Art Selection Committee shall screen artists' submissions and will select the acquisitions of work of art for each qualified project. In addition to selection, the Committee's responsibility shall include planning, inventory and the provision of maintenance services of all works of art acquired by the program.

(G) Art Selection Committee membership, qualifications. The committee shall be composed of five (5) members appointed by the City Manager. Committee members must be knowledgeable in the field of art, architecture, art education, art history, or architectural history, and may not operate, own or be employed by any art dealer, art gallery or artists' representative. Committee members serve at the pleasure of the City Manager.

(H) Selection criteria. All selections of artists and acquisitions of works of art shall be in accordance with the City's procurement policies, as may be amended from time to time. In the selection process, the following principles shall be observed:

1. Works of art shall be located in areas where residents and visitors live and congregate and shall be highly accessible and visible.
2. Committee members should consider the inherently intrusive nature of public art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones, should be sought.

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3. The committee's selections must reflect the cultural and ethnic diversity of the city without deviation from a standard of excellence.
  4. Consideration will be given to previous artistic accomplishments as demonstrated in images of previously completed artwork, public art experience, and/or initial approach the project as demonstrated in the artist's proposal.
  5. Final selection shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions at the site, maintenance requirements, quality of the work, likelihood that the artist can successfully complete the work within the available funding, diversity of works already acquired by the city, diversity of the artists whose work has been acquired by the city.
  6. Art in public places funds will be used solely for commissioning works of art with professional artists contracted with to create the works of art.
  7. For building better communities general obligation bonds program-funded projects, art in public places funds must be expended within the facility that generates the public art monies.
  8. Selections of artists and acquisitions of works of art pursuant to these guidelines shall be reflected on the City Manager's report section of the City Commission agenda, but shall not require Commission approval.
- (I) Ownership. Ownership of all works of art acquired by the City under this division is vested in the City of Opa-locka. The City Manager is charged with the custody, supervision, maintenance and preservation of such works of art. In each instance, the city shall acquire title to each work of art acquired.
- (J) Personnel. The City Manager shall provide adequate and competent clerical and administrative personnel as may be reasonably required by for the proper performance of the duties under this division, subject to budget limitations.

**Sec. 22-140. Auto Service Stations to Service Vehicles for a Licensed Business**

(A) Auto Service Stations servicing vehicles for a licensed business are permitted as a special exception in industrial districts as per Section 22-81, under the following conditions:

1. The gasoline pumps shall not be visible from the street.
2. The property must be four or more acres in size, and the principle use must occupy the entire site.
3. The corporation that is licensed by the City of Opa-locka to operate the principle business on the site must own the vehicles fueled onsite.
4. The property site must be ~~2,000~~ 1,000 linear feet away from a residentially zoned property site and if requested in site plan review as a Special Exception, allow to 500 linear feet.

**Sec. 22-141. Home Occupation**

(A) Home occupations are permitted in certain residential zoning districts as per Section 22-79. The City shall have the right to inspect the home occupation and determine if the occupation is adhering to the requirements thereof. The home occupation shall meet the following requirements:

1. All proposed home occupation uses, including the expansion or replacement of an existing use or structure, shall conform to the performance standards below, as well as all other applicable laws and regulations of the county, state and federal government.
2. The home occupation and its associated structures shall conform to all applicable standards for the zoning district.
3. Home occupations shall be conducted entirely within the residence or within an accessory structure. The area used for the

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home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the residence.

4. The home occupation shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area. Home occupations shall not be conducted in such a manner as to produce noise, dust, vibration, glare, smoke or smell, electrical interference, fire hazard, traffic or any other nuisance not typically experienced in the zoning district where the property is located.

5. No use shall require internal or external construction features or the use of electrical, mechanical or other equipment that would change the fire rating of the structure or in any way significantly increase the fire danger to neighboring structures or residences.

6. No outside storage of material, goods, supplies or equipment related to the operation of the home occupation shall be allowed.

7. Merchandise shall be limited only to products manufactured or substantially altered on the premises or to incidental supplies necessary for the conduct of home occupation. Items shall not be purchased off-site for resale.

8. To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.

9. The home occupation shall not employ more than one (1) nonresident employee.

10. Any need for parking generated by the home occupation shall be off-street and in the side or rear yard of the structure. The Zoning Officer shall determine the number of parking spaces required based on the parking provisions of this chapter.

11. No commercial vehicle shall be used in connection with the home occupation for delivery of goods to or from the premises, nor parked on the property. This provision does not preclude the delivery of mail or packages by the Postal Service or by private or public shipping and

courier services. Home occupations shall not generate more than an average of one (1) truck delivery per day.

12. No more than one (1) home occupation per residence shall be allowed and it must be conducted by the occupant.

13. Home occupations that attract customers, clients or students to the premises shall not be allowed in multifamily dwelling units.

(B) The following uses are not appropriate as home occupations and are not permitted:

1. Vehicle or boat repair or painting.
2. Construction equipment or materials storage.
3. Equipment or vehicle rental.
4. Furniture sales.
5. Funeral director, mortuary or undertaker.
6. Glazier's or painter's shop.
7. Heating, plumbing or air-conditioning services.
8. Laboratory or taxidermy shop.
9. Medical or dental clinic.
10. Private club.
11. Restaurant.

(C) The following is a non-exhaustive list of uses which may be conducted as home occupations within the limits established in this section, however, uses not listed below require a specific letter of confirmation from the Director. All uses can only operate on a by-appointment basis, and appointments cannot be scheduled simultaneously. Limit three persons for an appointment.

1. Art, handicraft, music, writing, photography or similar studios.
2. Direct sale product distribution.

3. Dressmaker, seamstress, tailor.
4. Hair cutting and styling.
5. Home typing or computer services.
6. Mail order sales.
7. Non-principal offices of physician, dentist, veterinarian, insurance agent, real estate or similar professions which typically serves several clients on a daily basis.
8. Offices of accountant, architect, engineer, surveyor, land planner, lawyer, income tax preparer, minister, priest, rabbi, member of a religious order, psychotherapist, counselor, personal consultant, tradesman or similar professional which typically serves several clients on a daily basis.
9. Repair of small appliances, small engines and limited machining of small parts, office machines, cameras and similar small items.
10. Telephone sales and order-taking.
11. Tutor.

**Reserved Sec. 22-142 – 22-150.**

## **ARTICLE VI. OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **Sec. 22-151. Purpose and Intent**

The purpose of this Article is to ensure the provision of adequate pedestrian circulation and off-street parking and loading areas, to protect the level of service and capacity of existing streets, to avoid unnecessary conflicts between pedestrian and vehicles and to promote the general health, safety, and public welfare. These regulations shall apply to all parking and loading areas, including driveways for single-family and two-family dwellings, within the City.

### **Sec. 22-152 General Principles**

Off-street parking and loading areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall be met.

- (A) Unless it is shown not to be possible due to lot configuration, access issues, or health and safety issues, parking and loading areas shall be placed behind the front of the primary building façade except for single-family and two-family residential uses.
- (B) To the extent possible, adjoining parking and loading areas serving nonresidential buildings shall be interconnected.
- (C) Off-street parking and loading areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.

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- (D) Off-street parking and loading areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- (E) Ingress/Egress to and from corner lots shall be no closer than thirty (30) feet from any intersection and no closer than five (5) feet from any lot line.
- (F) Off-street parking and loading facilities shall be used solely for the parking of vehicles in operating condition by the patrons, occupants or employees of the use to which such facilities are accessory. No motor vehicle repair work, except emergency service, shall be permitted in association with off-street parking and loading facilities. The storage of commercial vehicles, except for those associated with the use, or merchandise or the sale of vehicles shall be prohibited in a required off-street parking or loading area, except as specifically authorized in this Chapter.
- (G) In no event shall parking or loading areas be provided in a manner that requires vehicles to back out into the public rights-of-way, or that requires vehicles to enter or exit a site in a manner which would require them to make an unlawful maneuver within the public right-of-way. This requirement does not apply to areas consisting of driveways serving single-family detached or two-family dwellings, although direct access onto arterial roadways is discouraged.
- (H) Parking and loading facilities shall be maintained in a clean, orderly and dust-free condition so as not to create a hazard or



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nuisance, at the expense of the owner or lessee. Parking and loading areas shall be resealed or repaved and pavement markings periodically repainted and on-site traffic control signs replaced, as necessary, to maintain a clear identification of individual parking and loading spaces and to facilitate the safe movement of pedestrian and vehicular traffic.

- (I) Any plans for re-striping or modifying the number of parking or loading spaces shall require submittal of a parking lot plan which complies with this ordinance.
- (J) Access to each principal building shall be provided from rights-of-way and special parking spaces by means of a hard-surfaced pathway leading to at least one entrance generally used by the public. The pathway shall be at least five feet wide, unobstructed, and devoid of curbs, stairs or other abrupt changes in elevation. Ramps shall be designed in accordance with the ramp requirements of the Florida Building Code.
- (K) Parking spaces required for the handicapped shall be counted as a parking space in determining compliance with the ratio of off-street parking requirements of this Article. Handicapped Spaces shall be a minimum of twelve feet wide and shall meet all other requirements of Miami-Dade County and State Code.
- (L) Within non-residential development, parking and loading shall be permitted only in designated parking and loading spaces.

**Sec. 22-153.        Parking Specifications**

- (A) No parking lot shall be closer than 5 feet behind the front building line of an adjacent building. Off-street parking facilities shall be

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provided for all development within the City.

- (B) Large surface parking lots shall be visually and functionally segmented into several smaller lots, containing no more than 36 spaces each. Channelization and division of parking areas within the interior of the parking lot for pedestrian and vehicular traffic shall be accomplished by the use of landscaped areas with trees, berms, fences, other natural growth or artificial features.
- (C) Parking spaces shall be located so that no spaces are greater than one hundred fifty (150) feet from the building or use to which they are assigned. This requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums, and other similar places of assembly, industrial, wholesaling and manufacturing establishments, hospitals; and large scale retail, and wholesaling and manufacturing establishments. A unity of title satisfactory to the City shall be produced whenever parking is not provided on the same site as the principal structure.
- (D) As part of a site plan submittal, which includes parking, said parking plan shall show the location and design of:
  - 1. Ingress/Egress
  - 2. Location and size of all buildings and structures.
  - 3. Location and dimensions of parking spaces and aisles, direction markings, traffic control devices and signs, and the location of future parking areas, where applicable.
  - 4. Walls, fences, landscaped areas, berms, changes in grades, and planting materials, including type and names of plant materials.
  - 5. Other information that may be required by the Director.
- (E) When the parking facilities are housed in a multi-storied structure,

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or on the roofs of buildings, a site plan shall be submitted for approval of: interior traffic circulation, slope of ramp, ease of access and utilization of ramps, parking stall and aisle dimensions, traffic control signage and pavement marking for safe and efficient vehicular and pedestrian operation, location of entrances and exits on public roads, sight distances at entrances and exits and at corners of intersecting public roads, and of the effective screening of the cars located in or on the parking structures from adjoining properties and from public roads.

- (F) For single family and two family duplex dwellings in residential districts, driveways on the lot shall be considered off-street parking spaces provided that sufficient spaces are available on such driveways to meet the requirements of this section.
- (G) For all uses except single-family and two-family dwellings, standard curb and gutter, with a minimum width of 1 foot 6 inches, shall be provided along the periphery of all driveways, parking and loading areas.
- (H) Off-street parking and loading areas and driveways shall be paved or contain a similar type material approved by the Public Works Director. Gravel or other stabilization material without a permanent wearing surface is not permitted, unless approved by good cause by the Director.
- (I) The proposed grading and drainage for off-street parking facilities shall be approved by the City in accordance with the City's subdivision regulations.
- (J) Low impact stormwater control systems shall be installed. Curb

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and gutter may be used where deemed necessary by the Public Works Director, in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular areas.

- (K) Parking spaces shall be a minimum of 20 feet long and 10 feet wide. Parallel parking spaces shall be a minimum of 22 feet long and 8 feet wide.
- (L) Thirty percent (30%) of all required parking may be for compact cars if clearly marked "for compact car only", and approved as to location by the Director. A minimum of eleven (11) parking spaces are needed before this allowance may be granted. Ninety degree parking for compact cars shall be at least eight (8) feet by seventeen (17) feet; otherwise the above sizes shall be met.
- (M) Non-residential driveways shall be a maximum of 12 feet in width for one-way traffic and 22 feet in width for two-way traffic. In no case shall a driveway width exceed 22 feet, except as required by the Florida Department of Transportation.
- (N) Non-residential off-street parking areas which are provided in excess of the requirements established in this Article shall be located on grassed or sodded surface. Alternative materials may be substituted for grass or sod with the approval of the Director.
- (O) Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery.
- (P) Required parking spaces for single-family and two-family

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dwelling may be permitted in any setback areas or yards, except for a 3 foot landscape area required along the side property lines when adjacent to another single-family or two-family dwelling. Vehicles parked on-site shall not encroach into or over the public right-of-way.

- (Q) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

	<u>Angle of parking (degrees)</u>	0	30	45	60
	90				
	<u>Aisle Width (feet)</u>				
	One-Way Traffic	12	12	22	22
22					
	Two-Way Traffic	20	20	22	22
22					

**Sec. 22-154. Parking Structures**

When off-street parking is located within a separate parking structure, the following conditions and restrictions shall apply.

- (A) All nonstructural portions of the exterior elevations, except for vehicular ingress and egress areas, shall, in addition to any required safety provisions, be screened by a material providing at least 75 percent opacity for the total area between deck levels.
- (B) When parking facilities are located on the roof of a structure, the vehicles accommodated shall be screened by a minimum four (4) parapet. The height of the structure shall be measured to the top of the screening (parapet).

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- (C) If proposed with a mix of uses, parking structures shall have said permitted uses wrapping 70 percent of the ground level along street edges. Access along other edges shall be screened with features such as grilles, trellises and vine-climbing frames.

**Sec. 22-155. Minimum Parking Ratios**

<i>Use</i> <i>Parking Spaces Required</i>
<b>RESIDENTIAL</b>  One to Four Units on a single lot; 1.5 per Unit Five or more Units; Studios, One- and Two-Bedrooms; 1.5 per Unit Three or more Bedrooms; 2.0 per Unit Exempt from the above are residential units built for elderly or under Federal Housing Administration financing; Single-Family Units; 1.0 per Unit All others Unit types; 0.8 per Unit
<b>PUBLIC ASSEMBLY</b>  Theaters, clubs, religious facilities, auditoriums, and other similar meeting places Seat: 0.2 per seat Without seats; 1 per 50 square feet of assembly area

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<p><b>CULTURAL, SOCIAL, RECREATION, AND ENTERTAINMENT</b></p> <p>Bowling Alleys or Karate/Dance/Health Studios; 1 per 200 square feet</p> <p>Libraries, Art Museums and Other Cultural Facilities; 1 per 250 square feet</p> <p>Open Recreation; 1 per 250 square feet</p> <p>Swimming, Golf or Tennis Clubs; 1 per 500 square feet of floor area plus 4 per court; 1 per 100 square feet pool area; 6 per hole of golf</p>
<p><b>EDUCATION FACILITIES</b></p> <p>Day Care; 1 per faculty and staff plus 1 per 10 students</p> <p>Kindergarten through Grade 8; 2 per classroom</p> <p>Grades 9 through 12 – .33 per student plus 1 per staff</p>
<p><b>HOSPITALS, CLINICS, AND REHABILITATION CENTERS</b></p> <p>2 per bed</p>
<p><b>HOMES FOR THE AGED, CONVALESCENT CENTERS</b></p> <p>1 per bed</p>
<p><b>RESTAURANTS, INCLUDING TAKE-OUT AND NIGHTCLUBS</b></p> <p>1 per 150 square feet</p>
<p><b>LODGING ESTABLISHMENTS</b></p> <p>1.1 per room plus requirements for accessory and/or restaurant uses</p>
<p><b>OFFICE, PROFESSIONAL</b></p> <p>1 per 400 square feet</p>
<p><b>OFFICE, PROFESSIONAL MEDICAL AND DENTAL</b></p> <p>1 per 250 square feet</p>
<p><b>COMMERCIAL, GENERAL</b></p> <p>1 per 500 square feet (Minimum six spaces required)</p>
<p><b>COMMERCIAL, GROCERY AND DRUG STORES</b></p> <p>1 per 250 square feet</p>

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MEMBERSHIP WAREHOUSE, HOME IMPROVEMENT CENTERS 1 per 250 square feet
GAS STATIONS AND MINI MARTS 1 per 500 square feet (minimum 3 spaces), in addition to pump parking
PLANT NURSERY 8 for first acre, or fraction thereof, and 1 for each two acres thereafter
FURNITURE SHOWROOMS 1 per 1,000 square feet (minimum 5 spaces)
OPEN LOT COMMERCIAL USES (INCLUDING AUTOMOTIVE) 1 per 1,000 square feet of lot area, or fraction thereof, for first 5,000 square feet and 1 per 500 square feet thereafter and, 1 per 400 square feet of building
OPEN LOT JUNK YARD AND RECYCLING CENTERS 1 per 5,000 square feet of lot area and, 1 per 400 square feet of building
WAREHOUSE AND INDUSTRIAL USES 1 per 2,500 square feet plus 1 per 400 square feet of office (minimum 3 spaces) 2 per bay if multiple occupancy warehouse
WHOLESALE SHOWROOMS 1 per 800 square feet
SELF-STORAGE FACILITIES 1 per 2,500 square feet



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**ADULT USE OR BUSINESS**

1 parking space per booth plus 1 parking space for each 4 fixed seats in the main auditorium for adult motion picture theaters

1 parking space for each forty (40) square feet of customer service area, including waiting area, in conformance with the off-street parking requirements for adult dancing establishments.

1 parking space for each two hundred (200) square feet of gross floor area for encounter studio/modeling studios, and any other regulated use not covered by the off-street parking requirements of Article.

**NOTES**

- (A) Parking shall only be allowed in designated spots.
- (B) Gross Floor Area is used in calculating square feet.
- (C) For uses not referenced but similar to one of the above categories the Director shall determine the number of required parking spaces.
- (D) If more than one use is within one building or development, parking for said uses shall be calculated separately.
- (E) Loading areas in front of warehouse buildings will not be counted towards parking requirements.
- (F) The maximum number of spaces for any development cannot exceed the minimum for that use by more than 10%. Reduction in the required parking may be considered based on the mix of uses and an approved Shared Parking Management Plan. Reductions in parking may not exceed 10% of the required number of spaces.

**Sec. 22-156. Shared Parking**

A reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking may be approved by the Director

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when the respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

- (A) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
- (B) The developer submits a legal agreement approved by the City Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until required parking is provided elsewhere in accordance with the provisions of this Article.
- (C) The City Administration may approve the utilization of off-site parking areas for uses within non-residential districts. The owner of a site utilizing an off-site parking area shall provide evidence of the owner's right to use the off-site parking area either by license, deed, easement, or by long term lease. Pedestrian access shall be available within a walking distance of 500 feet, measured from the nearest point of the building lot to an entrance to the parking area. Such separated parking areas shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or hazard to pedestrians.

**Sec. 22-157. Pavement Markings**

Designated parking spaces shall be marked with double striping on the surface of the parking space with paint or permanent marking materials and maintained in clearly visible condition. Signs or signs combined with color-coded stall lines shall be used to distinguish handicapped spaces from standard size car spaces. In parking facilities, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional

arrows and lines to expedite traffic movement.

**Sec. 22-158. Off-Street Loading Requirements**

Every building, building group, or part thereof, which is to be occupied by multifamily, business, commercial, industrial, institutional or other uses, receives materials or merchandise and contains more than 5,000 square feet or more of floor area will provide the following number of berths:

<i>Gross Floor Area</i>	<i>Number of Berths</i>
0 to 5,000 sq. ft.	0
5,001 to 20,000 sq. ft.	1
20,001 to 40,000 sq. ft.	2
40,001 to 60,000 sq. ft.	3
For each additional 50,000 sq. ft.	1

- (A) More than one use in one building. Where a building is used for more than one use, or for different uses, and where the floor area for each use for which loading space is required is below the minimum for required loading spaces but the aggregate total floor area used is greater than such minimum, then the off-street loading space shall be provided as if the entire building were used for that use in the building for which the most parking spaces are required.

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- (B) Shared spaces. Loading spaces may be provided cooperatively for two or more uses, subject to the approval by the Director of appropriate legal instruments to ensure the permanent availability of off-street loading for all such uses. The overall number of loading spaces provided may be reduced by the Department in those instances where it is demonstrated that adjacent land uses can be adequately served by a shared loading facility. The Department is also authorized to require restrictions on the use and hours of operation of any uses that share loading spaces.
- (C) Loading Demand Statements. For commercial or industrial establishments with a total of sixty thousand (60,000) square feet or more of total floor area devoted to such uses, a statement outlining the projected normal demands for loading and unloading for the use, and a plan showing the location on the lot of the space to be provided shall be supplied by the applicant.
- (D) Administrative Hardship Waiver. For uses which contain less than 10,000 square feet of total floor area, the City may waive or reduce the loading requirements (variance required) whenever the character of the use is such as to make unnecessary the full provision of loading facilities or where such provision would impose an unreasonable hardship upon the use of the lot.
- (E) Size. The loading berths required in each instance shall be at least 12 feet in width, 30 feet in length, and 14 feet in height. The length of one or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailer must be accommodated. Berths may not be within the required front yard setback. The

maneuvering apron shall be a minimum 28 feet.

**Sec. 22-159. Stacking Spaces**

Stacking spaces shall be a minimum of 10 feet in width exclusive of gutter pans and 18 feet in length. All stacking areas must be separate from other circulation aisles and parking spaces.

- (A) Food Restaurants. A minimum of 6 stacking spaces for fast food restaurants with drive-up windows. The distance shall be measured from the drive-up window.
- (B) Financial Institution Drive-up Windows. A minimum of 4 stacking spaces per drive through lane.
- (C) Car Wash. A minimum of 3 stacking spaces per automatic or self service car wash bay.
- (D) Day care facilities. A minimum of 1 stacking space for each 10 persons accommodated.
- (E) Other Uses. For other uses not specifically provided for herein, the Director shall make a determination regarding the number of stacking spaces required.
- (F) Conflicts. Lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersections. The lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.

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- (G) Bypass Lane. Where stacking lanes are used a bypass lane shall be provided. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.

**Sec. 22-160. Regulations for Parking, Storing or Keeping Commercial Vehicles, Boats, Buses, Trailers and Trucks**

(A) Motor Vehicles Prohibited or Restricted in Residential Districts.

1. It shall be unlawful for any owner, agent, operator or person in charge of any bus, semi-trailer, house trailer, truck and/or truck tractor, to park, store, or keep such motor vehicle on any public right-of-way within any residential district for a period exceeding six (6) hours in any twenty-four (24) hour period, each period commencing at the time of first stopping or parking, unless a permit is first obtained from the Police Department, except as permitted herein.
2. It shall be unlawful for any owner of property in any residential district in the City of Opa-locka to park on, or allow to parked on one's residential property or in the public right-of-way abutting one's property, any bus, semi-trailer, house trailer, truck, and/or truck tractor for a period exceeding six (6) hours in any twenty-four (24) hour period, each period commencing at the time of first stopping or parking, unless a permit is first obtained from the Police Department.

(B) Delivery and Construction Vehicles: Emergency Repairs.

1. The restrictions of Subsection (A) 1. shall not apply to the temporary parking of such vehicles on private property in

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residential districts whereon construction is underway for which a current and valid building permit has been issued and said permit is properly displayed on the premises.

2. The restrictions of Subsection (A) 2. above of six (6) hours in residential districts shall not apply to routine deliveries by tradespeople or the use of trucks in making service calls providing that such time in excess of six (6) hours is actually in the course of business deliveries or servicing, as the case may be.
3. The restrictions of Subsection (A) shall not apply to a situation where such vehicle becomes disabled and, as a result of such emergency, is required to be parked within a residential district. However, any such vehicle shall be removed from the residential district within twenty-four (24) hours by wrecker towing licensed by the City, if necessary, regardless of the nature of the emergency

**(C) Permitted Off-Street Parking.**

1. In R-1 zoned districts, private passenger vehicles without commercial license plates shall be permitted only in driveways. Nothing shall occupy the required side yard in R-1 zoned districts except the temporary parking of passenger vehicles and boats (not exceeding twenty-five (25) feet in length) on trailers that are capable of being rolled away.  
f.
2. In the R-1 and R-2 zoned districts, private passenger vehicles, recreational and commercial vehicles  $\frac{3}{4}$  ton or less shall be permitted to park only in driveways.

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3. No boat or vehicle parked in a residential district may be occupied or used for living, sleeping or housekeeping purposes.
4. No vehicle without a current license plate shall be permitted to park in a residential, commercial or industrial (except as provided herein) or public zoned area.

**Reserved Sec. 22-161 – 22-170.**



## **ARTICLE VII. LANDSCAPING AND TREE PRESERVATION**

**Sec. 22-171. Purpose**

This Article establishes minimum requirements for landscaping and tree preservation in the City of Opa-locka. The purpose of this Article is to enhance the beauty of the City and allow for natural plant growth on private and public property, and public right-of-way through an integrated set of landscaping and tree preservation requirements. These requirements are essential to ensure that proper industry standards and guidelines are applied to promote basic landscaping and tree preservation practices in the City. In addition, these requirements will further sustainability and green development principles, and improve the appearance, environment, character and value of the City.

**Sec. 22-172. Applicability**

The provisions of this Article shall be considered minimum standards and shall apply to all private new development, changes of use, additions and expansions when a permit is required (and when the replacement of plant material and irrigation is required (and/or proposed)) in accordance with this Article.

**Sec. 22-172. Definitions**

Terms used throughout this Article shall take their commonly accepted meaning unless otherwise defined in the Definitions section of this Code or in Miami-Dade County Chapters 18A, 18B, 24 and 32.

**Sec. 22-173. Compliance with City Standards**

The minimum requirements and standards for landscaping of private property shall be referenced in this Article.

The minimum requirements for street trees and their placement shall be found in the Miami-Dade County “Street Tree Master Plan”, as may be amended.

**Sec. 22-174. Compliance with County Standards**

Minimum standards or requirements for landscaping and irrigation within the City, if not addressed in this Article shall only then be governed by the following, as may be amended:

1. Chapter 18A, Miami-Dade County Landscaping Ordinance and Landscape Manual
2. Chapter 18B, Miami-Dade County Right-Of-Way Landscape Ordinance
3. Chapter 24, Miami-Dade County Environmental Protection Ordinance
4. Chapter 32, Miami-Dade County Water and Sewer Regulations
5. In instances where conflicts between Articles or Chapters occur, the Director shall determine upon review of a proposed application which Article sections shall apply.

**Sec. 22-175. General Provisions**

Landscaping, trees, and plant material shall be planted and maintained in a healthy growing condition according to accepted horticulture practices. Landscaping shall consist of any of the following, or combination thereof: grass, groundcover, shrubs, vines, hedges or trees. Mulch, rocks, pebbles, sand, and non-living pervious materials may be utilized in the required landscape area. Any landscaping, trees, and plant material in a condition that does not fulfill the intent of these regulations, shall be replaced by the owner.

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1. Plant material shall conform to the standards for Florida No. 1 or better.
2. Adequate drainage and mulching shall be provided for planted areas. For adequate root growth, the base of the lot tree shall have a minimum pervious ground area of 50 square feet for root growth and shall not be planted on slopes exceeding 3:1 horizontal to vertical distance.
3. Nothing shall be planted, installed or placed within a utility easement, drainage easement or right-of-way without the consent of the City, Miami-Dade County or Florida Department of Transportation and the easement holder, as applicable.
4. Sight Distances for Landscaping Adjacent to Public Right-of-Way and Point of Access.
  - a. When a point of ingress or egress intersects a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the area described in 2. below shall allow cross visibility at a level between 30 inches and six feet above the sidewalk grade. However, trees or palms shall be permitted provided they are trimmed so as to allow said cross visibility and provided they are located so as not to create a traffic hazard.
  - b. With reference to 1. above, the areas are as follows:
    - i. The area of property on both sides of an ingress/egress and the public right-of-way line for a distance of fifteen feet in length and five feet in width along the public right-of-way.
    - ii. The area of property located at a corner formed by the intersection of two or more public rights-of way

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with two sides of the triangular area being twenty feet in length along the abutting public rights-of-way measured from their point of intersection and the third side being a line connecting the other two lines.

5. Non-residential fences shall be supplemented with plantings following the buffer requirements found in this Chapter.
6. Berms shall not exceed a 2:1 horizontal to vertical distance and shall be stabilized with a ground cover or other vegetation. Berms using turf as a ground cover shall not exceed a 3:1 slope, horizontal to vertical distance.
7. No person may remove or modify any landscaping from a right-of-way without the consent of the City.
8. All required landscaped areas shall be protected by six inch curbing when abutting surface parking pavement except to allow stormwater drainage. The width of all curbing shall be excluded from required landscaped areas.
9. Plants and trees shall only be pruned to promote healthy, safe, uniform, and natural growth of the vegetation and according to the National Arborists Association Standards. Root pruning shall be kept to an absolute minimum. Severely pruned trees (pruning more than 30% of the canopy) and shrubs shall be replaced by the owner in conformance with the Plant Material and Landscape Plan requirements of this Article.
10. Prior to removal of any lot tree for the purposes of development, expansions to existing development in accordance with the

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Environmental Survey and/or approved development plans, or if the tree is deemed unsafe to the property owner or adjacent properties, the owner shall give the City first right of refusal to relocate the tree to public lands if the owner does not choose to relocate it.

11. Property owners shall maintain all landscaped areas in a healthy growing condition. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that may constitute a menace to the public.
12. It shall be the responsibility of all property owners to maintain grass and landscaping which exists in rights-of-way, swales and easements adjoining their properties. It shall also be their responsibility to maintain sidewalks and to keep them free and clear of grass, weeds and debris.

**Sec. 22-176. Landscape Plan Required**

- (A) Landscape plans in accordance with this Article shall be approved by the City prior to issuance of a building permit except as exempted herein.
- (B) The Application submittal shall include the following, as applicable;
  1. The landscape plan shall be drawn to a suitable scale sufficient in size to show all necessary detail and indicate property boundaries, north arrow, graphic scale and date.
  2. Environmental Survey, if applicable.
  3. Delineate existing and proposed structures, parking spaces, access ways and other vehicular use areas, sidewalks,

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utilities, easements, height of power lines on the property or adjacent property.

4. Indicate the common and scientific name and quantity of plants to be installed, heights, spread and remarks providing information on the plant material to be installed.
5. Identify all landscape features and non-living landscape materials.
6. Illustrate geologic, historic, and archeological features to be preserved, if applicable.
7. Depict stormwater retention/detention areas.
8. Document zoning district, net lot area, and required open space.
9. Show future canopy coverage and identify impervious areas required by this Article.
10. Show building coverage and locations.
11. The plan shall be prepared by and bear the seal of a landscape architect registered in the State of Florida for multi-family and non-residential development.
12. A Certification of Landscape Compliance shall be submitted for multi-family and non-residential development.

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For a new single-family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

**Sec. 22-177. Administration**

- (A) Landscaping and irrigation systems shall be completed in accordance with the approved landscape plans and installed prior to issuance of a Certificate of Occupancy for the site.
- (B) The City may grant installation exceptions and extensions due to unusual environmental conditions, such as drought, or over-saturated soil. When exceptions and extensions are provided, the developer or property owner shall provide the City with a surety bond ensuring the installation of the uninstalled landscape materials and irrigation systems. In such cases, the City may authorize a temporary Certificate of Occupancy for a period of 30 to 60 days.
- (C) Any bond posted as surety for exceptions and extensions shall be accompanied by documentation of the estimated cost of the uninstalled landscaping materials and irrigation systems. This documentation may be a landscaping contractor's bid or contract, a nurseryman's bill, or a similar document. The amount of the bond shall be one and one-half times the cost of the uninstalled plant material and irrigation system, based on the highest estimate received. The Director is authorized to release part of any security posted as the improvements are completed and approved by the Director. Such funds shall be released within 10 days after the corresponding improvements have been approved.

- (D) A Certificate of Occupancy shall not be issued until installation of landscape materials and irrigation systems consistent with approved plans is completed and a final inspection is performed by the City.

**Sec. 22-178. Irrigation Plan Required**

Prior to installation of irrigation systems, the applicant shall submit an irrigation plan to the City. The plan shall be drawn at the same scale as the landscape plan and indicate, but not be limited to, main, valve, and pump locations, pipe sizes and specifications, controller locations and specifications, backflow preventer and rain-sensing devices and include a typical sprinkler zone plan indicating type, specifications, spacing, and coverage. If drip irrigation or soaker hoses are proposed, their layout shall be shown.

During installation, irrigation systems shall be designed to avoid impacts with the root structures of existing vegetation. Field changes shall be made to avoid disturbances of such vegetation. These changes may include: line routing, sprinkler head placement and spray direction adjustments.

**Sec. 22-179 Annual Inspections**

Code Enforcement shall inspect the site on an annual basis to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained. Corrective actions will be required to be commenced within 30 days of the notice of non-compliance and completed within 60 days.

**Sec. 22-180. Maintenance Responsibilities**

The owner shall be responsible for the installation, preservation, replacement and maintenance of all plantings and/or irrigation systems required by this Article. Plant material shall be maintained according to accepted horticultural practices. Any dead, unhealthy, or missing



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vegetation, or vegetation disfigured by pruning, shall be replaced with locally adapted vegetation which conforms to the standards of this Article and/or to the approved landscape plan. In the event that any vegetation and/or is severely damaged due to an unusual weather occurrence, disease and/or natural catastrophe, the owner shall inform the City of the extent of such damage and shall have one growing season to replace or replant the vegetation and/or irrigation system.

**Sec. 22-181. Environmental Survey**

Prior to preparation of development plans, an environmental survey, by a landscape architect registered in the State of Florida, shall be provided by the applicant to identify existing trees (natives, non-natives, restricted and prohibited as outlined in Miami-Dade Landscape Manual), under story vegetation, shrubs and groundcovers, known endangered plant species, wetlands, floodplains and topographical features of a site. This enables the planned preservation of existing vegetation and natural features and their integration, to the maximum extent possible, with landscaping proposed for new development. At a minimum, the environmental survey shall include the following:

- (A) Provide a written description of vegetation measuring 4 inches in Diameter at Breast Height or greater, including species, size, spacing between trees, and general health and vigor of the vegetation.
- (B) A plan or survey graphically identifying vegetation measuring 4 inches in DBH or greater located on the site. The plan or survey shall include a schedule identifying the botanical name/common name of plant species, their height and spread, and disposition which among other things, indicates whether the vegetation is relocated, removed, or remaining at its current location.

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- (C) The plan or survey shall identify natural features, such as, but not limited to wetlands, natural drainage ways, lakes, other water bodies, rock and stone formations, and the like.
- (D) All new development, including public and private utilities, shall be integrated, to the maximum extent possible with the vegetation and natural features identified in the environmental survey.

**(A) Sec. 22-182. Types of Landscaping**

The types of landscaping are enumerated below and shall meet the following performance requirements. The provisions of this section shall not apply to areas zoned MXUOD, where flexibility in landscape design are encouraged.

- (A) Surface Parking. A landscaped area shall be provided along the perimeter of all parking, loading, drive, and parking storage areas. The landscape area shall have a minimum width of 10 feet and shall be planted with 4 trees and 35 shrubs per 100 linear feet or fraction thereof. Plants, at the time of planting, shall cover the entire width of the area.
  - 1. Landscaped areas shall be provided at the ends of each parking aisle. These areas shall be a minimum of 400 square feet for double aisle parking stalls and 200 square feet for single aisle parking stalls, have a minimum width of 10 feet and be planted with a minimum of 1 tree and 10 shrubs per 200 square feet of area.
  - 2. Parking lots, loading areas, drive(s), and exterior storage areas shall be landscaped so that no parking lots, loading

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areas, drive(s), and exterior storage area is more than 40 feet from the base of a tree.

3. **Building Perimeter.** All multi-family, planned development and non-residential development shall provide building perimeter planting along the façade of buildings in the amount of 200 square feet per 1,000 square feet of building ground floor area. The building perimeter area shall be planted with a minimum of 2 trees and 20 shrubs per 200 square feet of area and have a minimum width of 6 feet.
4. **Street Tree Canopy.** A tree canopy shall be required along streets serving multi-family, planned developments and non-residential uses as a unifying element to soften the transition from the public street to the private lot. The minimum requirements for street trees and their placement shall be found in the Miami-Dade County “Street Tree Master Plan” as may be amended.
5. **Residential Tree Canopy.** Each lot shall provide trees in accordance with the schedule below. Required trees shall be planted within the front yard. Existing native and non-native (which are not restricted or prohibited) trees over 1.5 inches in Diameter Breast Height [DBH] and 10-12 feet in height may be counted towards fulfilling this requirement.

*Lot area requirements*

Less than 7,500 square feet: 2 trees

More than 7,500 square feet: 3 trees plus 1 tree for each 100 linear feet of frontage of the front yard

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6. Site Canopy Coverage. For multi-family, planned developments and non-residential developments, incorporating surface parking areas, existing and/or selected trees meeting the provisions of this Article shall cover a minimum of 30% of the remaining development site.
7. Buffer Area. A buffer area shall be required along boundaries of multi-family, non-residential and planned development lots abutting a less intensive use. Such lots shall comply with the following minimum standards.
  - a. The buffer area shall be located within the boundaries of the higher intensity use property. However, a maximum of 50 percent of the buffer area may be located on abutting property, provided the owners of all abutting properties agree in writing to the proposal. Said agreement shall be created by the applicant, reviewed by the City; it must be recorded by the applicant and provide stipulations for perpetual maintenance and upkeep acceptable to the City.
  - b. The area indicated in the matrix below shall consist of trees and shrubs of a type, height, spacing and arrangement that effectively buffers the less intensive use lot from the more intensive use lot. At a minimum, the planting shall consist of 6 trees and 20 shrubs per 100 linear feet for 5-10 foot areas, 10 trees and 30 shrubs per 100 linear feet for areas greater than 10 feet.

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- c. An earthen berm (as provided herein) or fence or wall of a design approved by the Department may be substituted to offset a portion of the required planting. Fences and walls shall be regulated as to height allowed in the applicable zoning district and constructed of materials congruous with the materials of the main building. Trees and shrubs shall supplement earthen berms, fences, or wall areas at a minimum of 50 percent of the landscape material required for buffers. The landscaping shall be installed along the outside wall.
- d. 4. Buffer areas shall follow the minimum width (in feet) matrix below:

e.

<i>Adjacent Use</i>						
		<i>SF</i>	<i>MF</i>	<i>OF</i>	<i>CM</i>	<i>IND</i>
<i>Proposed Use</i>						
SF		0	0	0	0	0
TF		5'	0	0	0	0
MF		15'	10'	0	0	0
OF		25'	15'	15'	0	0
CM		25'	20'	20'	15'	0
IND		30'	25'	20'	15'	15'

8. The existence of a canal or water body, alley, right-of-way, or easement shall not exempt property from the buffer requirements of this Article.

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9. Screening of Outdoor Storage Areas. Outdoor storage areas shall be screened from the street, and from residentially zoned land using landscape materials to form a continuous screen which matches the height of the materials being stored and any structure within the enclosure. At a minimum, the landscape material planted shall be 8 feet in height at the time of planting.
10. Screening of Mechanical Equipment. All non-residential, multi-family and planned development shall screen from view all mechanical equipment, such as but not limited to, ground or roof mounted air conditioning, backflow prevention devices, irrigation and similar pumps, through the use of features such as berms, fences, roof parapets, walls or landscaping. The height of the screening features shall match, or be greater than, the height of the mechanical equipment.
11. Screening of Public Utilities. All public utility appurtenances such as lift stations, relay boxes, ground mounted transformers, backflow prevention devices, and the like shall be screened from view.
12. Screening of Central Solid Waste Storage Area. Non-residential multi-family and planned developments shall provide facilities for the central storage of solid waste and recyclables within the lot. Where such facilities are provided outside, they shall be screened by an enclosure constructed of materials congruous with the development's building materials. The enclosure shall exceed the height of any storage container, but not to exceed the tallest building

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height proposed for the development. The exterior wall shall be screened with trees 8 feet in height at the time of planting.

13. Unoccupied Lot Areas. All areas reserved for open space for new and existing development shall be improved with ground cover, trees, shrubbery or mulch. No exposed soils shall be permitted.

**Sec. 22-183.**

**Plant Material and Installation**

Plant material used to meet the requirements of this Article shall meet the standards for Florida Number 1 or better, as set out in grades and standards for nursery plants, Part I and Part II, Department of Agriculture, State of Florida – as amended. **At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements on a site shall be native Southern Florida species. In addition, at least 75 percent of the trees and shrubs used to fulfill these requirements on a site shall be drought-tolerant species.** Prohibited species of plants are governed by Prohibited Plant Species in Miami-Dade County, October 2014, as amended.

1. Trees and Shrubs. All trees shall be at least 10-12 feet in height and 1.5 inches in DBH at the time of installation, except evergreen trees used for screening and buffering. Evergreen trees used in these instances shall be 6-7 feet in height at the time of installation. All shrubs shall be at least 3 gallons in container size and 2 feet in height for an upright growth habit shrub and 6-12 inches in height (and 2 foot wide spread) for a horizontal growth habit shrub.

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2. Tree Species Mix. The minimum number of species to be planted shall vary according to the number of trees planted. The minimum number of species mix to be planted is indicated below:

<i>Required Number of Trees</i>	<i>Minimum Number of Species Mix</i>
Under 10	1
11-20	3
21-30	4
31-40	5
41+	6

3. Existing Tree Credits. Existing native and/or (not restricted or prohibited non-native) trees may be credited equally towards meeting the planting requirements of this Article according to the matrix below:

<i>DBH</i>	<i>Number of Tree Credits</i>
26+ inches	equal to 5, 2.5 inch caliper trees
20 to 25 inches	equal to 4, 2.5 inch caliper trees
12 to 19 inches	equal to 3, 2.5 inch caliper trees
5 to 11 inches	equal to 2, 2.5 inch caliper trees

NOTE: No credit shall be given for prohibited and restricted trees as outlined in the Landscape Manual or other legislation and trees located in identified natural preservation areas, and required to be preserved by federal, state, or local laws.

**Sec. 22-184. Tree/Vegetation Protection and Conservation**

- (A) A tree/vegetation and root protection plan prepared by a landscape architect registered in the State of Florida shall be submitted at the time of permit approval and be part of development plans/landscape



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plans where required by this Article. The tree/vegetation and root protection plan shall include details and specifications showing in graphic form how planting will be protected during development of the property. At a minimum, the plan shall indicate the following:

1. Tree protection barriers shall be placed around all trees identified by the tree/vegetation and root protection plan approved by the City. These barriers shall be installed prior to grading, construction, or other land disturbing activity and cannot be removed until after final inspection by the City. The barriers shall be constructed from any material substantial enough to protect the roots, trunk, and crown of the tree, such as 2x4 standards and 1x4 rails, silt fencing or orange silt fencing, a minimum 4 feet in height on metal or wood posts. The barriers shall be placed at least 1 foot from the tree trunk for each 1-inch in tree diameter, with a minimum distance of 10 feet required from the edge of the trunk.
2. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed in the tree/vegetation and root protection area or within the drip line of trees to be retained.
3. Dead trees and undesirable scrub growth shall be cut flush with adjacent grade and removed during construction. Tree stumps shall be ground with stump grinder or removed and filled.

**Sec. 22-185. Removal, Replacement, Relocation of Significant Vegetation**

- (A) Removal of specimen trees over 18 inches in diameter, significant shrubs over 12 inches in diameter, and native tree and shrub species over 4 inches in diameter is permitted after obtaining site plan approval and/or in the event of hazards posed by vegetation a tree removal permit from Miami-Dade County shall be obtained.
- (B) The disturbance of any landscaped area or vegetation required by this Article shall constitute a violation. All disturbed landscaped areas and vegetation shall be replanted so as to meet the standards of this Article and/or the approved site plan for the development and/or property. Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation shall meet the standards set forth in this Article.
- (C) Trees or landscape vegetation that die or are stressed shall be removed and replaced with new vegetation consisting of one or a combination of any of the following measures.
  - 1. Replant according to the requirements of this Article and/or the approved landscape plan for the development. If no approved landscape plan for the development is on file with the City, a landscape plan denoting the proposed vegetation replacement shall be submitted to the City for approval. In addition, the following:
    - a. Replace damaged vegetation with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a DBH of at least 12 inches which is damaged or removed shall be replaced with

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one or more trees which have a cumulative DBH equal to or greater than the original tree. A landscape plan denoting the proposed installation shall be submitted to the Department for approval.

- (D) Native and permitted non-native trees with a DBH of less than two and one-half inches and below 8 feet in height, shall not qualify as native or permitted non-native trees for the purpose of replacement.
- (E) Replanting of damaged tree/vegetation shall be located within the general vicinity of the removed tree or in a location approved by the City.
- (F) Stop work orders shall also apply for damaging and/or destroying significant vegetation, interior specimen or significant vegetation, landscaping, or tree preservation areas.

**Sec. 22-186. Tree Preservation and Removal**

- (A) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:
  - (1) **Area** at breast height. The area in square inches at breast height (four and one-half(4 1/2) feet above ground level) of a tree according to the formula where  $r$  is the radius of the tree in inches at breast height diameter.
  - (2) **Bond**: Security in a form acceptable to and payable to the City of Opa-locka in an amount equal to the fair market value of the replacement tree(s) to be relocated or whose dripline may be encroached upon, and given by the applicants guarantee of replacement for a period of one (1) year. The fair market value

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shall be established each year and based upon published trade whole sale price lists with the appropriate multiplier representing maintenance, installation, warranty and other costs factored in, as determined an Arborist or Landscape Architect retained by the applicant and approved by the Community Development Department.

- (3) *Building Footprint:* The portion of the lot, parcel or plot upon which buildings are to be placed.
- (4) *Building Pad:* The building footprint plus the five-foot distance from each of its sides.
- (5) *Complete Application:* The application and supporting documents have addressed all applicable sections of the prescribed application and that those sections and supporting documents are sufficient in comprehensiveness of data or in quality of information provided.
- (6) *DBH (Diameter at Breast Height:* The measurement of a tree's trunk diameter in inches at breast height (four and one-half (41/2) feet above ground level). For trees with less than four and one-half (41/2) feet of clear trunk, diameters shall be of the largest leader measured four and one-half (41/2) feet above ground level. For multi-trunk trees it shall be the sum of the diameter of the individual trunks measured four and one-half (41/2) feet above ground level.
- (7) *Designated for Conservation:* Trees which have been determined for conservation by the as shown on an approved Tree Permit or areas within Opa-locka which have been determined by Miami-

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Dade County or the City as subject to conservation and as stated specifically within the Tree Permit as defined herein.

- (8) *Dripline:* The natural outside end of the branches of a tree projected vertically to the ground.
  
- (9) *Dripline Encroachment:* Any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil, or damage to the root system. Specifically, this definition shall include acts such as parking of vehicles, use of heavy earth moving or grading equipment, placement of construction materials, excavation and filling, trenching, and the exposure of paints, oils ,or chemicals within a tree's dripline. Specifically excluded from this definition are routine maintenance activities such as mowing or walking within the tree's dripline.  
*Dripline Encroachment Plan:* This plan shall be presented as part of the Tree Permit and shall be required for all trees whose dripline is planned to be encroached upon by any construction, excavation, fill or other activities associated with the development of the site. It shall include:
  - (i) designation of each tree subject to any dripline encroachment,
  - (ii) the reasons for the encroachment, (iii)detailed description of the proposed efforts to protect the tree from damage due to the encroachment ,and
  - (iv) a plan to ensure it survivability per Builder's Manual of the Department of Agriculture.
  
- (10) *Equivalent Replacement:* The replacement of a removed or damaged tree to compensate for that tree's removal or its damage either with one (1) tree the same diameter or a combination of smaller trees that will equal that removed tree's DBH as defined herein. The minimums established in the landscape code of the

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City for tree planting may not count toward the equivalent replacement amount established here, except where replacement occurs onsite. The replacement species shall be native trees as defined herein or trees of similar species to those removed as approved by the Director.

- (11) *Equivalent Value*: An amount of money, which reflects the fair market value of the required replacement trees. The current market price of replacement trees shall be established by the Applicant's Arborist or Landscape Architect in tabular form, reviewed and approved by the Director.
- (12) *Land Clearing*: The indiscriminate removal of trees, shrubs and / or undergrowth by stripping or any other process, with the intention of preparing real property for non-agricultural development purposes. This definition shall not include: the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.
- (13) *Landscape Manual*: Chapter 18A, Landscaping Ordinance, Miami-Dade County.
- (14) *Native Tree*: Tree of a species identified as native to this area by Miami-Dade County or the Association of Florida Native Nurseries (FANN) as may be amended from time to time, and incorporated herein by reference.
- (15) *Nuisance Trees*: Certain non-native trees often termed exotic, as referenced in the Miami-Dade County Comprehensive Development Master Plan and incorporated herein by reference.

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There shall be no cost for this permit.

- (16) *Optional Cash Payment:* Fee equal to the fair market value of the required replacement tree(s) which maybe paid by the applicant after recommendation from city staff that replacement of trees on-site or off-site is not feasible
- (17) *Prune:* The removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the standards established in the USDA TREE OWNERS MANUAL.
- (18) *Tree:* Any living, self-supporting woody perennial plant at maturity attains a trunk diameter of at least three (3) inches or more when measured at a point four and one-half (4 1/2) feet above ground level and which normally attains an overall height of at least fifteen (15) feet, usually with one (1) main stem or trunk and many branches.
- (19) *Tree Credit:* The utilization of native dicotyledons measured at inches DBH or native palm trees measured tree-for-tree as off-site replacement trees for sites being developed. These native trees must be planted after the date of this amendment. This credit only applies for a five-year period from date of planting of trees to be utilized for tree credit. This credit is for the inches at planting and is available only for off-site replacement
- (20) *Tree-for-Tree Replacement:* Replacing a removed tree with a tree or trees with a minimum of three (3) inches in cumulative trunk diameter at breast height
- (21) *Tree Permit:* Consists of the application and all necessary

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information

relating to existing trees on site and proposed relocation, removal, drip line encroachment and barricading. Except for nuisance species, this permit shall not be approved prior to city approval of the underlying project.

- (22) *Tree Relocation:* To transplant a tree from one (1) location to another.
  - (23) *Tree Removal:* To permanently remove the trunk and/or root system of a tree.
  - (24) *Tree Survey:* A sealed survey prepared by a Florida licensed land surveyor and shall show, in addition to all boundary information, the exact location, size, botanical and common name, and diameter of all trees at least three (3) inches in diameter measured four and one-half (4 1/2) feet above ground level within the area affected by the development except that groups of nuisance trees as defined herein may be designated as "clumps," with the predominant type shown. The tree species noted on the tree survey shall be certified by a landscape architect. The expense of the survey shall be borne by the applicant.
- g.
- (25) *Trim:* To reduce, shorten or diminish gradually a plant or parts of a plant without altering the natural shape.
  - (26) *Understory:* The plant life existing under a tree canopy including ferns, bushes and groundcovers.
  - (27) *Undeveloped Land:* Land which is unimproved, in that no principal building or structure has been constructed upon it.



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(B) Permit Required. A Tree Permit shall be required prior to any person natural or corporate, encroaching upon a tree dripline, or cutting down, destroying, removing, relocating or destructively damaging any tree or causing any tree to be encroached upon (within the tree's dripline), cut down, destroyed, removed or relocated or destructively damage.

(1) *Application for Tree Permit.* The property owner or his authorized agent shall apply for a Tree Permit from the city manager or his designee, prior to any tree removal, relocation, or drip line encroachment.

(a) This application shall be made on a form provided by the city manager or his designee, and approval shall result in the issuance of the Tree Permit.

1. The application shall include the following:

a. Name, address and telephone number of those persons or entities who own the property and those persons or entities conducting the removal activities.

b. A detailed written statement indicating the reasons for the clearing of land, dripline encroachment, removal, relocation or replacement of the trees and a proposal to replace or relocate removed or damaged trees and including the following:

1. The amount of land to be disturbed.

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2. The method and equipment to be used.
3. The dates the clearing of land, dripline encroachment, removal, relocation or replacement of trees will take place.
4. Utilization of any tree credit. A tree planting credit agreement pursuant to this Article, as prepared by the city shall be required as a condition of utilizing this option.

7. c. Four (4) copies of a legible survey as defined herein drawn to one (1) inch equals to twenty (20) feet scale or to the largest practicable scale (as determined by the community development department), indicating the following:

1. Location of all existing structures including the building pad as defined herein, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

h.

2. Existing site elevations.
3. Location of existing utility services and all easements.
4. The name, common and botanical, size and location of all trees on the site specifically

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designated by number. The trees shall be tagged and identified consistently with the numbering system utilized on the tree survey. Groups of nuisance trees in close proximity may be designated as "clumps" of trees with the predominate type shown.

5. Required tree information shall be summarized in legend or tabular form on the plan.
- d. Four (4) copies of a legible site development plan drawn to one(1)inch equals twenty (20) feet scale or to the largest practicable scale indicating the following applicable items as determined by the Community Development Department:
  1. Location of all proposed structures, improvement and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
  2. Proposed site elevations, where any fill or excavation around existing trees is required.
  3. Location of proposed or existing utility services in relation to trees.
  4. The name, common and botanical, size and location of all trees on the site specifically designating by number the trees to be retained, removed, relocated or replaced. The trees shall be identified consistently with the numbering system utilized on the tree survey.

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Groups of nuisance trees in close proximity which are to remain may be designated as "clumps" of trees with the predominate type shown.

5. Location of all individual or group barricades.
  6. Landscaping plan pursuant to section 201 herein.
  7. Tree information required shall be summarized in tabular form on the plan and shall include the reason for the proposed clearing of land, removal, relocation or replacement.
- e. Dripline encroachment plan. A dripline encroachment plan shall be required if any construction, excavation, filling or other development activity will occur within the dripline of any trees designated for preservation.
1. This plan shall include:
    - a. Designation of each tree subject to any drip line encroachment.
    - b. A written statement of the reasons for the encroachment.
    - c. A detailed statement of the proposed efforts to protect the tree from damage due to the encroachment, and to insure its survival.
    - d. Should any tree die as a result of drip line

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encroachment, a plan and detailed reasons for any necessary removal or replacement of the tree shall be provided.

2. Trees within this plan are subject to the standards for tree protection during development detailed in this section.

(a) On-site representative required. The applicant for a tree removal permit on environmentally sensitive lands shall, at the time of application, designate an on-site representative who will be responsible for the installation and the maintenance of all vegetation protective barriers. The representative shall be responsible for supervising the removal of all existing vegetation permitted to be removed. The representative shall be on site at all times during the vegetation clearing operations.

(b) Applications involving developed properties or properties not shown on the map of environmentally sensitive lands as defined herein may be based on drawings showing only that portion of the site directly involved and adjacent structures and landscaping and native vegetation incidental thereto. In such cases, a tree survey is not required. A tree sketch showing the approximate location(s) of all existing tree(s) with common and botanical name shall be provided instead.

(2) *Grant of Permit by Director.* The Director shall grant a Tree Permit upon payment of a fee not to exceed the actual costs of processing the permit, the presentation of the application referenced above, and the presentation of a bond to the City as described in section(G)herein. This permit shall not

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be effective until a site inspection has been requested and received by the property owner or his authorized agent, and approved by the City.

(a) Criteria for Tree Permit. A Tree Permit shall be issued only after the Director determines that existing natural features are being preserved to the maximum extent possible in the design of the improvement as defined in this Ordinance, and any of the following conditions exists.

1. For those trees within areas designated on the map of environmentally sensitive lands, over an acre in size, as defined herein, at least twenty-five (25) percent of the native trees are being preserved intact in contiguous land areas. This percentage shall be calculated from the number of native trees within the contiguous land area and shall be applicable to all site plans or plats approved after the effective date of this section.
2. The tree is a nuisance tree as defined in this section. For such removal, no other provisions of this section shall apply and no cost shall be assessed for this permit
3. The tree is located in the building pad, street right-of-way, canal right-of-way, an area designated for line clearing, or a utility or drainage easement where a structure or improvement is to be placed, or where it unreasonably restricts the use of the property.
4. The tree is diseased, injured, or irreparably damaged. For such removal, no other provisions of this section will apply. No cost shall be assessed for this permit. However, minimum landscaping requirements established within the

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land development code, Article 7, shall be met.

5. The tree is in danger of materially impairing the structural integrity of existing or proposed structures, interferes with utility service, or adversely affects sight distance triangles.

6. The tree is required to be cut down, destroyed, removed or relocated or destructively damaged by a county, state or federal law, or by rules promulgated by a county, state or federal agency. For such removal, no other provisions of this section will apply. No cost shall be assessed for this permit.

(b) This permit, if approved, shall be granted for a maximum of six (6) months.

(c) This permit shall be posted in a protected area and in a conspicuous place on the site.

(d) A sign with the minimum dimension of two (2) feet by three (3) feet shall be posted along each roadway frontage of the site and shall be readable from the roadway and shall state:

8. TREES ON THIS SITE BEING REMOVED  
ACCORDING TO PERMIT NO. \_\_\_\_\_  
PURSUANT TO CITY OF OPA-LOCKA CODE.

9. For those permits not requiring tree removal, the sign may read: TREES ON THIS SITE BEING PROTECTED ACCORDING TO PERMIT NO. \_\_\_\_\_ PURSUANT TO CITY OF OPA-LOCKA CODE.

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- (C) *Tree Permit Required as Condition to Tree Removal Pursuant to Development or Land Clearing.* No person, natural or corporate, shall proceed with tree removal pursuant to development or land clearing on any improved, vacant or unimproved land, unless specifically exempted by this section, (including land designated for conservation by Miami-Dade County or the City of Opa-locka without a Tree Permit pursuant to this ordinance.
- (D) *Tree Permit Review.* Review of the Tree Permit plan shall be completed within fifteen (15) working days of receipt of that plan by the City of Opa-locka Community Development Department.
- (E) *Criteria for Tree Permit Review.* Approval of Tree Permits and replacement of tree(s) or the payment of the optional cash payment as defined herein shall be permitted if the city manager or his designee, after examination of the Tree Permit, determines that existing natural features as defined in this ordinance are being preserved to the maximum extent possible in the design of the improvement and that any of the following conditions exist:



- (1) For those trees within areas designated on the map of environmentally sensitive lands, over an acre in size, as defined herein, at least twenty-five (25) percent of the native trees are being preserved intact in contiguous land areas. This percentage shall be calculated from the number of native trees within the contiguous land area and shall be applicable to all site plans or plats approved after the effective date of this section.
- (2) The tree is an nuisance tree as defined in this section. For such removal, no other provisions of this section will apply and no cost shall be assessed for this permit.
- (3) The tree is located in the building pad, street right-of-way, canal right-of-way, an area designated for line clearing, or a utility or drainage easement where a structure or improvement is to be placed or where it unreasonably restricts the use of the property. If certain trees outside the above areas must be removed to allow the operation of equipment, the site plan shall indicate the exact operation area needed, and provide for a replacement tree or trees.
- (4) The tree is diseased, injured, or destructively damaged as provided in sub section (J) herein. However, no replacement is necessary unless the removal of the diseased, injured or damaged tree causes the property to contain less than the minimum landscaping requirements.
- (5) The tree is in danger of materially impairing the structural integrity of existing or proposed structures, interferes with utility service, or adversely affects sight distance triangles.
- (6) The tree is required to be cut down, destroyed, removed or

relocated or destructively damaged by a county, state or federal law, or by rules promulgated by a county, state or federal agency.

(F) Tree removal and replacement. As a condition to this approval of a Tree Permit or for any tree removal pursuant to this section, the city shall require the applicant to relocate or replace a removed tree at his own expense. However such relocation or replacement must be within the project site. In the event that relocation or replacement of the tree or trees within the site is not practical as determined by the city manager or his designee, a tree may be removed to public lands, or private property approved by the city manager or his designee.

(1) Replacement Trees. A removed tree must be replaced with its equivalent replacement in trees. This replacement tree shall be a type of species having shade potential and other positive values, as further described in the landscape manual as defined herein, at least equal to that of the tree being removed, and shall be a minimum of six (6) feet in height when planted. The planted tree shall be of native species as defined herein or others as approved by the city manager or his designee.

10. However:

(a) Onlotstobedevelopedforsingle-family,duplex,townhouseorzerolotlinedwelling purposes, trees within the building pad defined herein, the individual drivewayleadingtothatunitexcludingcirculardrivesshallbereplacedonatree-for-treebasis.

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- (b) Within multifamily development, trees within the building pad defined herein shall be replaced on a tree-for-tree basis.
  - (c) Within nonresidential properties noted on the environmentally sensitive lands map, trees within the building pad as defined herein shall be replaced on a tree- for-tree basis.
- (2) *Maintenance of Relocated and Replacement Trees.* Trees must be relocated or replaced as specified by this section within sixty (60) days of the approval for tree removal; provided however, if the trees are to be removed to facilitate construction or development activities, said relocation or replacement must be completed prior to the issuance of certificate of occupancy on the construction, development site or phase of development, as applicable. The trees to be relocated or replaced on-site or off-site private property must be maintained in a healthy growing condition and guaranteed for a period of at least one (1) year. Trees to be relocated or replaced on public property must be guaranteed. The guarantee period shall end one (1) year from the date of installation or at acceptance by city staff (whichever is earlier) of any relocated or replaced trees.
- (3) *Optional Cash Payment.* An optional cash payment equal to the fair market value of the required replacement tree(s) paid by the applicant after recommendation from city staff that replacement of trees on-site pursuant to this subsection is not feasible.
- (4) *Tree Credit.* Credit shall be given for the off-site planting of

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trees meeting the definition of equivalent, replacement at the time of planting against any off-site tree replacement required by this section in accordance with the following terms and condition:

- (a) Credit will be given for those trees planted after the adoption of this section (in excess of tree planting required by the land development code against any tree replacement requirements for tree removal on any property within the city.
- (b) This credit only applies for a five-year period from the date of planting of trees to be utilized for the tree credit.
- (c) A tree planting credit agreement must be executed by the person requesting such credit on a form approved by the city specifying the numbers and location of such trees for which credit is sought. (tree planting agreement needed) This agreement will specify who may utilize the credit and for which properties. The Director shall maintain the records of how much credit is currently available in the name of the person receiving such credit. This record shall include the name of the individual authorized to use such credit, the location where the credit is used, the amount of credit used, and the resulting balance of credit available.

- (G) *Bond for Tree Relocation, Replacement, or Driveline Encroachment.*  
A bond shall be held by the City of Opa-locka for one (1) year to insure tree replacement in the event that tree relocation or driveline encroachment results in the death of any tree subject to a Tree

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Permit or for any tree damaged or destroyed in any pre-development or development activities such as surveying. Such bond amount shall be assessed at the fair market value of the required replacement tree(s) or for tree replacement which cannot be effected prior to issuance of a certificate of occupancy for the underlying project. If the developer/builder desires, it may employ a landscape architect to supply revised bonding amounts for city review and approval if the landscape architect determines that the trees or palms subject to relocation or dripline encroachment are unlikely to die as a result of the pre-construction or construction activities. Tree bond amounts of under one thousand five hundred dollars(\$1,500.00) are to be guaranteed through a letter of guarantee rather than through a posting of a cash bond.

(H) *Tree Trust Fund*

- (1) *Establishment.* A tree trust fund (hereinafter referred to as the **Opa-locka Tree Preservation Account** or the "trust") is hereby established as a depository for tree removal fees and penalty monies. Such monies shall be placed in an interest bearing account solely for the purpose of funding tree replacement on public property within the City of Opa-locka.
- (2) *Term of Existence.* The Opa-locka Tree Preservation Account shall be self-perpetuating from year to year unless specifically terminated by the City Commission.
- (3) *Trust Assets.* All monies received pursuant to the provisions of this section from public or private concerns shall be placed in trust for an inure to the use and benefit of the City of Opa-locka and its successors and assigns in interest.

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(4) *Trust Administration.*

- (a) *Trust funds shall be expended, utilized and disbursed only for the purposes designated by the City Commission of the City of Opa-locka to administer its tree preservation program pursuant to this section.*
- (b) The trust shall be a separate account established and maintained apart from the general revenue funds and accounts of the City of Opa-locka.
- (c) Monies obtained pursuant to this section may be accepted on behalf of the City of Opa-locka by the Director, and upon receipt shall be delivered to the City of Opa-locka department of finance, which shall cause the same to be credited to the trust.

(5) *Disbursal of Assets*

- (a) Expenditures of over five thousand dollars (\$5,000.00) shall require approval of the City Commission of the City of Opa-locka.
- (b) The City Commission of the City of Opa-locka shall make expenditures for planting of trees in accordance with land development code provisions pertaining to contracting and purchasing. The city commission shall have control over the disbursement of these monies provided; however, that any such disbursement shall be coordinated with the city manager.

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- (c) Trust funds shall be used to obtain trees, landscaping, sprinkler systems and any other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems, on any public land in the City of Opa-locka. With City Commission approval, these monies may also be utilized to engage support elements, such as landscape architects and additional personnel if deemed necessary in the opinion of the Director. These monies may also be used to cover the expense of relocation of trees in the City of Opa-locka.

*Standards for Tree Protection during Development.* The following are minimum standards necessary to protect trees designated for preservation from damage during development activities after the Tree Permit has been approved.

- (1) *Protection of Existing Trees.* Prior to any clearing of improved, vacant or unimproved land unless specifically exempted from this section (including land designated for conservation by Miami-Dade County of the City of Opa-locka), trees to be preserved(as designated in the Tree Permit approved by the city manager or his designee including any surveying or similar pre-development activity) shall have barriers constructed around them by the developer to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the city as a condition of permit approval and prior to any such clearing.

(a) Barriers or barricades. The barriers or barricades shall be:

- 1. Large enough to include the entire area inside the outer edge or dripline of the tree; and

2. Conspicuous enough and high enough to be seen easily by operators of trucks and other equipment; and
3. Constructed of sturdy scrap wood (four-by-four stock), or other sturdy material (not flagging or ribbons) as approved by the director of the community development department based on professional judgment that the intent of this provision shall be met.
4. Constructed as a condition of, the issuance of any land clearing, building or other development permit and prior to any construction or other development activities and required to remain in place throughout the construction period. Barriers or barricades shall be completely removed from the site at the end of the construction period, (immediately prior to the issuance of a certificate of occupancy by the City of Opa-locka Building Department) unless otherwise stipulated in the approved tree preservation plan.

*(2) Clearing Trees and Vegetation.*

- (a) Clearing by hand. Within the dripline of trees designated for preservation, only clearing by hand is permissible, unless otherwise stipulated in the approved Tree Permit.
- (b) Storage. Trees and vegetation cleared during construction or other development activities shall be stored in an area designated by the city manager or his designee with the grant of a Tree Permit.
- (c) Removal. All trees and vegetation cleared and stored pursuant to this section shall be removed within two (2) weeks after completion of the clearing.



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(3) *Other Required Protection of Trees and Understory.* Developer shall protect the trees and understory plants designated for preservation in the approved Tree Permit from chemical poisoning, excavation and grade changes to at least the following minimum standards:

- (a) Utility line trenches. Utility line trenches shall be routed away from trees to an area outside the dripline to the maximum extent possible.
- (b) Grade changes. Retaining walls and dry wells shall be utilized where needed to protect trees from severe grade changes. For shallow fills, the fill material shall be gently sloped down to the level of the tree roots leaving the tree in a depression larger than the spread of its crown.
- (c) Parking on site during construction or development activities. No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within areas marked for preservation specifically including, but not limited to, within the dripline of any individual trees.
  - 1. Parking and storage areas. The developer or contractor shall establish regular parking and storage areas under the supervision of the City to facilitate compliance with the above standard.
- (d) Encroachment. Encroachment into any barricaded area shall be forbidden with the exception of activities specifically permitted by the approved Tree Permit including dripline encroachment plan as established herein.

(4) *Pruning of Trees and Vegetation.* The developer shall be permitted to cut or

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prune branches and roots of trees designed for preservation, only under the supervision of the Director or his designee. (in accordance with the approved permit)

- (a) Standards where permitted. The standards for pruning as established by the American National Standards Institute (ANSI A-300) and as outlined in the USDA landscape manual shall be utilized in the pruning of trees within the City.

(5) *Root System Protection.* The root systems of trees shall be protected as follows:

- (a) Excavation within the dripline. The city manager or his designee may approve a dripline encroachment plan, upon an applicant's request to excavate within the dripline of a tree, as part of a Tree Permit.
- (b) Standards for root protection. The city manager or his designee may establish additional standards for root protection consistent with this section.
  - 1. Root exposure standards. If roots are exposed, the developer shall provide temporary earth cover mixed with peat moss and wrapped with burlap to prevent exposed roots from drying out before permanent backfill is placed.
  - 2. Support of tree or root system. The developer shall also water, maintain in moist condition, and otherwise temporarily support and protect the tree or root from damage until the tree or root is permanently covered with earth.

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- (c) Protection of the tree root system. The developer shall protect tree root systems from damage due to noxious materials in solution caused by run off, or spillage during mixing and placement of construction materials, or drainage from stored materials. The developer shall also protect root systems from flooding, erosion or excessive wetting resulting from dewatering operations.
- (6) *Stormwater Runoff* Whenever possible, stormwater runoff shall be directed into any cypress area contained on site. Prior to entering in the cypress area, all runoff must be filtered through vegetated swales or vegetated berms.
- (7) *Trees Damaged During Construction.* The developer shall have trees damaged by construction repaired by a professional arborist in a manner acceptable to the city.
  - (a) Immediate notification of city. The city manager or his designee must be notified immediately after any damage to any tree damaged by construction operations.
  - (b) Prompt repair. Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deteriorations of damaged trees.
  - (c) Removal and replacement of damaged trees. The developer shall remove trees which are determined by the Director to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this section.
  - (d) Any tree designated for preservation which is damaged by development activities in violation of this section (not including bonded trees in a drip line encroachment plan) under this subsection and which dies as a result of this damage shall be subject to the tree replacement or

removal requirements contained herein except that these requirements may use ABH instead of DBH as defined herein to calculate the equivalent value or equivalent replacement for the dead tree.

***(I) Exemptions.***

- (1) Damaged Trees.* Trees destructively damaged or destroyed by an act of God or an act of war are exempt from this section.
- (2) Governmental Entities.* Any fees or bonding requirements required by this section do not apply to agencies of the federal, state, county and local government including the schoolboard.
- (3) Utilities.* Any fees or bonding requirements required by this section do not apply to utilities. Utilities are exempt from the inch-for-inch tree replacement requirements herein set forth and shall replace on a tree-for-tree basis.
- (4) Licensed Plant and Tree Nurseries.* Licensed plant and/or tree nurseries shall be exempt from the terms and provisions of this article only in relation to those trees planted and growing on site for wholesale and/or retail sale purposes in the ordinary course of said licensee's business.
- (5) Governmental and Private Nurseries.* All governmental and private nurseries with respect to trees which have been planted and are growing for future relocation; are exempt from this section.
- (6) Developed Single-Family and Duplex Properties Including Townhouse and Zero Lot Line Development.* Owner occupied developed single-family and duplex properties including townhouse and zero lot line development not included in the map of environmentally sensitive

lands as designate for conservation are exempt from the provisions of this section.

- (7) *Emergency Conditions.* During emergency conditions caused by a hurricane or other disaster, or to protect the public safety, the provisions of this section may be suspended by direction of the city manager.
- (8) *Nuisance Trees.* Nuisance trees as defined herein are exempt from the provisions of this section except for the requirement to obtain a permit prior to their removal. However no fee shall be assessed for this permit.
- (9) *Miami-Dade County Traffic ways.* Planned roadway improvements (including all necessary accessory appurtenances to the roadway improvement such as traffic signals and lighting) authorized by appropriate federal, state or local agencies to regionally significant roadways as identified on the Miami-Dade County Traffic-ways Plan are exempt from the replacement requirements established herein. However, this shall not exempt those roadways from receiving a Tree Permit. Regionally significant roadways as identified on the Miami-Dade County Trafficways Plan shall include:

**(FOOT Trafficways Plan)**

11. NW 27th Avenue NW 135th Street
  12. NW 37th Avenue/ Douglas Road
  13. NW 42nd Avenue/ LeJuene Road
  14. NW 22nd Avenue
15. (10) *City Trafficways.* Planned roadway improvements (including all necessary accessory appurtenances to the roadway improvement

such as traffic signals and lighting) authorized by appropriate federal, state and local agencies to city trafficways as specified in the Municipal Code are exempt from replacement requirements established herein. However, this shall not exempt those roadways from receiving a Tree Permit.

16. (11) *Small Trees*. Trees less than three (3) inches in diameter as measured four and one-half (4 1/2) feet from grade are exempt from the provisions of this section.

17. (12) *Planted Trees*. Trees planted on vacant residential property may be relocated or subjected to dripline encroachment prior to the issuance of a certificate of occupancy for a principal building on the property without a permit. All tree removal shall require a permit pursuant to this section. However, for trees planted in designated buffer or landscape parcels or strips any relocation, replacement, or dripline encroachment occurring after one (1) year after planting shall require a permit pursuant to this section.

(K) *Tree Variance*.

(l) *[Generally.]* The City recognizes that the regulations provided within this section may not address all situations relating to tree protection and conservation. The City, therefore, may grant variances upon the recommendation of the zoning board of appeals, from the provisions of this section upon the filing of an application with the Department.

(2) *Standards*. A variance shall be granted by the Zoning Board of Appeals, after a public hearing, if it determines that all of the

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*following facts and condition exist:*

- (a) That there are unique and special circumstances or conditions applying to the property in question that do not generally apply to other properties in the same zoning district.
- (b) That the applicant did not cause the unique and special circumstances or conditions above, nor are these circumstances or conditions the result of mere ignorance or disregard of the provisions from which relief is sought.
- (c) That the literal interpretation of the land development code section will result in an undue hardship to the applicant; and that such hardship is not self-created by any person having an interest in the property nor is a result of mere ignorance or disregard of the provisions from which relief is sought.
- (d) That the strict application of the land development code section will deprive the applicant of reasonable use of the property for which the variance is sought.
- (e) That the variance sought is the minimum variance which makes possible the reasonable use of the property.

**(3) Application ;Fees.**

- (a) Applications for tree variance shall (i) be in writing on

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a form furnished by the city; (ii) be accompanied by a fee in an amount sufficient to reimburse the city for all administrative expenses associated with each tree variance request; and (iii) state with specificity the grounds upon which the tree variance request is based and include all details (with exhibits when necessary) available to the petitioner to support petitioner's request.

18. If the application is complete as determined by the Community Development Department, it shall be placed on the agenda of the zoning board of appeals at the next available meeting. Complete as stated herein means that the petition and supporting documents have addressed all applicable sections of the prescribed application and that those sections and supporting documents are sufficient in comprehensiveness of data or in quality of information provided.

- (b) The applications shall be scheduled before the zoning board of appeals as a public hearing item. The public shall be given notice of each hearing according to the procedure outlined in section 4.13 D of the land development code. The decision of the zoning board of appeals shall be final.

*(4) Procedure Before the Zoning Board of Appeals*

- (a) Upon public hearing, the zoning board of appeals shall first hear the recommendation of the city



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administration as to the tree variance application. Next, the board shall receive the presentation of the petitioner, and finally, the board shall open the hearing to the public for comments from all interested citizens.

- (b) In making its presentation the applicant must assume the burden of demonstrating to the board, by substantial competent evidence, support for each position or finding required by subsection (2) for tree variance approval.
- (c) At the conclusion of the public hearing, the board shall make a final decision on whatever action the board deems to be in the public interest, inclusive of recommending either approval or denial and, where appropriate, conditions which may be imposed upon the tree variance granted. The findings and decision of zoning board shall be final.

*(L) Enforcement.*

- (1) *[Generally.]* The Director shall enforce the provisions of this section.
- (2) *Individual enforcement.* Each violation of this section or any of its subsections is deemed a separate and distinct infraction of the land development code. Each tree to be protected may be the subject of individual enforcement.

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- (3) *Strict liability of owner.* The owner of any property where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this section unless it can be proven that the damage was caused by:
- (a) An act of God;
  - (b) An act of war;
  - (c) Development activities on the property pursuant to an approved Tree Permit; or
  - (d) (The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.
- (4) *Stop-Work Order.* The enforcement agency shall immediately issue an order to cease and desist any work being carried out in violation of this section or any permit conditions promulgated under this section. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the enforcement agency.
- (5) *Other Enforcement.* Nothing in this section shall prohibit the city from enforcing this section by other means.

*(M) Penalties.*

- (1) *Fine and Replacement.* Each violation of this section shall be punishable in a court of competent jurisdiction by a fine of no more than five hundred dollars (\$500.00) plus the cost of replacement of the trees removed from the site, the costs associated with investigation and prosecution together with any equitable remedies deemed reasonable and proper by the court (cost of replacement tree in this context maybe measured utilizing up to the removed tree's ABH to determine its value or other such measures as deemed appropriate by the court). The removal, relocation or destruction, including dripline encroachment, of each tree for which a Tree Permit is required in violation of this section shall constitute a separate offense under this section.
- (2) *Withholding or Revocation of City Permits.* Failure of any party to follow the procedures as required by this section shall constitute grounds for withholding or revoking site plan approval, building permits, occupancy permits or any other appropriate approvals necessary to continue development. Such extraordinary sanctions, however, shall be instituted immediately upon the direction of the City Manager and with the ratification of the City Commission at its next regular or special meeting. This ratification shall be considered a public hearing at which all interested parties shall have notice and an opportunity to be heard and to be represented by legal counsel.
- (3) *After the Fact Tree Permit.* In cases where tree removal is carried out without the necessary permit under the terms and conditions of this section, the property owner shall be required to

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make application for an after-the-fact Tree Permit. Application fee shall be triple the regular application fee. The Director may grant an after-the-fact Tree Permit only if he finds that the same application would have rightfully been approved prior to removal of the tree(s) and that each tree destroyed is to be replaced by trees of equal or greater equivalent replacement value. Such replacement trees shall be located on the subject site wherever practical, or they may be required to be located on off-site private or public property. Such replacement shall be assured by a cash bond. If the conditions for an after-the-fact Tree Permit are not fulfilled, the case shall be referred to the City Attorney's Office for appropriate action under this section.

- (N) Contractors to Post Bond for Removal of Trash Following Completion of Construction.
  - (1) A cash bond in the amount of two hundred dollars (\$200.00) shall be posted with the Office of the Building Official of the City by all builders wishing to construct within the City either a single family unit, or a commercial unit of less than 5,000 square feet to ensure the removal of all trash within a period of five (5) days after construction has been completed and before a Certificate of Occupancy is issued, and to cover any damage done to public or private property which was caused by the construction.
  - (2) For those builders constructing multiple units, dwelling or commercial, there will be a cash bond required in the amount of two hundred dollars (\$200.00) plus ten dollars (\$10.00) for every additional dwelling unit within the structure, or in instances of commercial units, ten dollars (\$10.00) for each additional one thousand (1,000) square feet.

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- (3) In no event, however, shall the City pursuant to the authority provided in subsections (1) and (2), collect bonds in excess of one thousand dollars (\$1,000.00) from any one person, natural or corporate.
- j. (4) In the event that monies posted pursuant to this section are not utilized for trash cleanup and are therefore refundable to the individual and/or corporation posting said bond, and further in the event that said individual or corporation does not request a refund of said monies, the City shall:
  - (a) Make all efforts to locate said individual or corporation and effect the refund, and
  - (b) Retain said monies for a period of twelve (12) months from the date that a Certificate of Occupancy is issued on the structure for which the bond was posted.
- k. l. In the event that the monies cannot be refunded due to the above the City shall remit the monies to the State of Florida pursuant to Chapter 717, F.S.

**Sec. 22-187. Plant Lists**

Listings of all prohibited trees and plant material, native and approved non-native trees and approved shrubs and ground covers shall be found in the Miami-Dade County Comprehensive Development Master Plan Conservation, Aquifer Recharge and Drainage Element - Policy CON-8I (Prohibited species list), and the Miami-Dade County Landscape Manual, as may be amended.

See also Urban Trees for Florida, Florida Department of Agriculture and Consumer Services.

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- (A) Prohibited trees and plant material are prohibited and shall be removed from sites and shall not be planted, grown, or offered for sale in the City.
- (B) Native and approved non-native trees with a DBH of less than two and one-half inches and below 16 feet in height, and trees which are diseased or weakened by age or injury shall not qualify as approved native or non-native trees for the purpose of replacement.

**Reserved Sec. 22-188. – 22-198.**

## **Article VIII. GREEN STANDARDS**

### **Sec. 22-199. Purpose**

The purpose of the Green Standards is to establish a program and administrative procedures which minimizes the negative environmental impacts of development; reduces the use of natural resources, creates a healthier and more sustainable living environment; reduces green house gas emissions; promotes economic and environmental health through sustainable and environmental friendly design in the City.

To assist in implementation of sustainable building practices and strategies that reduce green house gas emissions, a more efficient use of materials and a reduction in noxious chemicals, the following green building initiatives are required.

### **Sec. 22-200. Public Facilities**

Public facilities shall be constructed to meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Florida Department of Management Services.

### **Sec. 22-201. Standards**

- A. Bicycle Parking/Storage. Non-residential development shall provide a minimum of 1 secure bicycle parking/storage spaces for each 2,000 SF of floor area or part thereof. Townhouse and Multi-family development shall provide secure bicycle parking/storage spaces at a ratio of 1 parking space for each 5 residential units or fraction thereof. Mixed use development shall provide for a combined number of bicycle parking/storage spaces. The location of the space shall be indicated on the site plan and located in a prominent location near the main entrance of the building or development.

- B. Exchange of Off-Street Parking for Bicycle Parking. Non-residential, Townhouse and multi-family development may reduce the amount of required parking in exchange for additional bicycle parking/storage on a 1 parking space to 5 bicycle parking/storage space ratio. No more than 5% of required parking shall be eligible for exchange. The bicycle parking/storage shall be in addition to required bicycle parking/storage space.
- C. Hybrid and/or Fuel-Efficient Vehicle Parking. Non-residential, townhouse and Multi-family development requiring 20 or more parking spaces shall provide an area for parking hybrid and/or fuel-efficient vehicles, equal to 5% of the off-street parking required for the site. Such parking spaces shall be clearly marked and reserved for such vehicles and be located close to the handicapped parking spaces.
- D. Low Emitting Materials. Non-residential and/or Multi-family development shall incorporate low emitting building or construction materials and substances containing minimal or no levels of volatile organic compounds [low-VOC or no-VOC] for paints, coatings, adhesives, sealants, composite wood, and agri-fiber products. Alternate products and technologies shall be permitted upon written approval of the Director.
- E. Water Conservation. Residential and non-residential developments, as well as Major Renovations must meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time. The City shall post a copy of the manual on the City website and shall have a copy available in the Department.
- F. Paving Materials. Non-residential, multi-family, and/or mixed-use development shall use paving materials for sidewalks, courtyards, and non-covered parking lots with a minimum Solar Reflective Index (SRI) of 29. As an alternate solution, open grid pervious pavement may be used if it is a minimum of 50% pervious and contains vegetation in the open cells.



- G. Roof Finishes. Roof finishes for residential and non-residential developments shall have a minimum Solar Reflective Index (SRI) of 65 for slopes up to a 2:12 and 25 for slopes greater than 2:12. The minimum SRI shall apply to 75% of the roof surface.
- H. Additional Landscape Requirements. In addition to the requirements in the City's landscape article and the Miami-Dade County Landscape Manual, all developments for which a landscape plan is required shall comply with the Florida Friendly Landscaping guiding principles of the Florida Yard and Neighborhood programs. The applicant shall provide written evidence of compliance with each principle.
- I. Shower Facilities. Non-residential development shall provide one accessible and private indoor shower facility for each building, greater than 10,000 SF in area, to accommodate employees traveling on bicycles. Such areas shall be excluded from floor area ratio calculation.
- J. Storage and Collection of Recyclables. Every building shall dedicate an accessible area, serving the entire building, for the collection and storage of non-hazardous recycling materials; including paper, corrugated cardboard, glass, plastic and metals. Such areas shall be a sufficient size to be able to store recyclables for at least one week. Such areas shall be excluded from floor area ratio calculation.

**Sec. 22-202. Recycling and Diversion of Construction and Demolition Waste.**

60% or more of waste tonnage from construction, demolition, and renovation projects shall be diverted from disposal in landfills. Diversion may be accomplished using new construction methods that reduce the amount of waste generated; through on-site reuse of the waste; delivery of the waste from the site to an approved recycling facility; donation of the material to a non-profit organization in need of such materials; and all other methods as may be approved by the Director through acceptance of a Construction, Demolition and Materials Management Plan (CDMMP).

- A. CDMMP. A CDMMP shall be prepared and submitted to the Director indicating the method and process for complying with the 60% diversion standard along with information:
1. Estimated volume or weight of project construction and debris materials to be generated by type.
  2. Estimated volume or weight of construction and debris materials feasible to divert; considering cost, energy consumption and delays; via reuse or recycling.
  3. The vendor and/or facility proposed to collect, divert, market, reuse and/or receive each material diverted.
  4. Estimated volume or weight of the residual materials to be landfilled.
  5. Projects involving the removal of all or part of an existing structure shall indicate deconstruction methods; to the maximum extent feasible. Applicants will indicate the manner and method for making the materials generated available for salvage prior to being transported for disposal in a landfill or transformation facility. If deconstruction is not feasible, the applicant shall indicate the circumstances prohibiting such solution.
- B. Compliance with the CDMMP. Prior to scheduling a final zoning inspection, the applicant shall submit documentation indicating compliance with the diversion requirement thresholds specified in the CDMMP. The documentation shall include all of the following:
1. Receipts and gate tickets from the vendor(s) or facility(s) that collected or received construction and demolition debris from the covered project showing the actual weight or volume of that material
  2. Any additional information the applicant believes is relevant in determining its efforts to comply with this article
  3. The Director shall review the information submitted and determine whether the applicant has complied with the requirements of this Ordinance for material diversion. If the Director determines that the documentation and certification provided by the applicant does not

fully comply with the requirements of this article, the applicant will be found to be in violation and issued a citation equal to 3 times the diversion fee for the project.

4. The Department may withhold issuance of the Certificate of Occupancy permit for any project until documentation has been received affirming compliance with this section.
5. Approval shall not be required where an emergency demolition is required to protect public health and safety.
6. The Department shall only approve the documentation if it indicates at least 60% of all construction and demolition debris generated by the project has been diverted pursuant to this chapter; or has received a modification by the Department.

C. Weighing of Waste. Applicants shall make reasonable efforts to ensure that all construction and demolition materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practical, all construction and demolition debris shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to size or other considerations, a volumetric measurement may be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the City for this purpose. Documentation of the foregoing shall consist of photocopies of receipts, weight tickets, gate tickets, and other records from recycling facilities, deconstruction contractors, solid waste enterprises and disposal facilities.

D. Modification of the Diversion Requirement. An applicant may apply for a modification from the 60% diversion requirement if unique site circumstances make it unfeasible to comply. The applicant shall indicate the circumstances that make it unfeasible along with an estimated feasible diversion rate and the rate for each material. The Director shall review the

application and determine the maximum feasible diversion rate for each material based on site circumstances. This modified threshold rate will be used for comparison purposes in the issuance of a Certificate of Occupancy. If the Director determines that it is possible for the applicant to meet the 60% requirement, the City shall so inform and provide the applicant with the rationale followed for such determination

E. Approved Recycling Facility. Only recycling facilities that are in full compliance with all federal, state, and local permits shall be allowed as an approved recycling facility within a CDMMP.

F. CDMMP Application Fee. Each CDMMP application shall be subject to the diversion fee as adopted by resolution of the City Commission.

**Sec. 22-203. Green Building Program Designation**

Green Building Program Designation may be granted, after a public hearing, by the City Commission.

- A. Program Procedures. As part of the site plan approval process the applicant shall do the following in order to be considered for the Green Building Program Designation:
1. The applicant must successfully register the project with the Green Building Certification Institute or the Florida Green Building Coalition, or other third party certifying agency as approved by the City Manager or his/her designees, and provide evidence of such registration.
  2. Applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team.

3. The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System or FGBC Designation for the specific building type.
4. Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. In lieu of the bond required by this Section, the City may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the City. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for certification by the Green Building Certification Institute or other nationally recognized certifying agency within one (1) year after receiving the City's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may be granted at the sole discretion of the City Commission after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the City's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond. Funds that become available to the City from the forfeiture of the performance bonds shall be deposited in a Green Building Fund established by the City.

- B. Available Incentives. In furtherance of environmental stewardship and creating a sustainable urban community, green building incentives are established for projects seeking and obtaining third party green building certification.
1. Increased Floor Area. Projects achieving a minimum LEED Silver or other equivalent third party certification, up to 10% increase in floor area; projects achieving a minimum LEED Gold or other equivalent third party certification, up to 15% increase in floor area; projects achieving a minimum LEED Platinum or other equivalent third party certification, up to 20% increase in floor area. The bonus floor area shall not exceed the maximum floor area permitted by the underlying Growth Management Plan designation.
  2. Increased Height. Additional “bonus” height up to the maximum permitted by the underlying Comprehensive Plan designation may be permitted within the Mixed Use, or Institutional or Moderate Density Residential Land Use Designations on the adopted Future Land Use Map.
  3. Reduction in Parking. The applicant may receive a reduction in overall required parking of up to 10%. In no instance shall a combination of reductions in parking obtained either via a shared parking agreement or via other applicable sections of the land development regulations which allow reductions in parking exceed 20% of the required parking for each individual use on the site.
  4. Expedited Site and Building Plan Review. The Director shall implement a program to expedite the review and approval of site plan and building permit applications for green buildings.
  5. Expedited Building Inspections. Building inspections for projects participating in the Green Building Incentive Program shall be given priority over non-program participants.

6. Reduced Site Plan Review Fee. The applicable site plan review fee shall be equal to 80% of the fee required for a non-program participant.
7. Eligibility for Green Building Award Granted by the City. For the purpose of publicly recognizing outstanding commitment to “green building,” the City shall provide for an award called the “The Great City Green Building Award” to be awarded annually to a development(s) that participated within the program.
8. Prior to Award. The applicant shall be required to attend a pre-application meeting with the Director for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a development agreement or other agreement between the applicant and the City that the minimum required by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. The applicant will provide a performance bond in conformance with the requirements set forth herein.

**Sec. 22-204. Green Building Fund.**

Funds that become available to the City from the forfeiture of any performance bond shall be deposited in a Green Building Fund established by the City. The City shall use the funds for any of the following: education and training of City staff; education and outreach for the public; energy efficient improvements to municipally owned properties including weatherization, lighting upgrades, heating, ventilation and air conditioning upgrades; open space/green space improvements such as rights-of-way tree plantings; traffic calming, pollution mitigation, low impact drainage and sanitary sewer improvements; and any other additional improvements consistent with green building initiatives as deemed appropriate by the City Commission.

**Sec. 22-205. Exemptions.**

Nothing in these regulations shall prohibit the following:

- A. Solar Equipment: Solar equipment may encroach into side and rear setbacks.
- B. Rain Barrels: Rain barrels shall be permitted within side and rear setbacks.
- C. Clotheslines: Clotheslines may be located within the rear yard, or in the case of a corner lot a side yard, and shall not be visible from the public right of way.

**Reserved Sec. 22-206. – 22-216.**



## **ARTICLE IX. CONCURRENCY**

### **Sec. 22-217. Application for Concurrency**

It is the intent of this Section to establish Level of Service (LOS) requirements for public facilities and to ensure maintaining the LOS Standards adopted in the City's Comprehensive Plan.

Concurrency refers to a finding that public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of development. Facilities and services subject to these regulations include: transportation facilities (roadways and transit), potable water service, sanitary sewage service, stormwater drainage facilities, solid waste removal service, educational facilities and park facilities. All applications for development orders shall be subject to concurrency review unless specifically exempted.

All development orders shall demonstrate consistency with the Comprehensive Plan as well as with all applicable provisions of this Section. Further, development orders, if applicable, shall demonstrate that specified concurrency facilities shall be available at prescribed levels of service concurrent with the impact of the development of those facilities. A development order shall be permitted only if the final development plan complies with the goals, objectives and policies established in the Comprehensive Plan.

The Department shall verify concurrency based upon maintaining the level of service for the public facilities and services, subject to these regulations, as adopted and as may be amended in the Comprehensive Plan.

### **Sec. 22-218. Applicability and Exemptions**

In no case shall a development order be issued for a minimum threshold (de minimis) or exempted project which would impact a facility subject to these regulations for which a moratorium or deferral on development has been placed.

- (A) Projects below the minimum threshold (de minimis). The following development shall be exempt from concurrency review:
1. Residential projects which would result in the creation of one single-family dwelling or one two-family dwelling, as well as projects that entail structural alterations, including room additions to single-family structures, which do not change the land use.
  2. Any development which does not create additional public facility demands.
  3. In the case of transportation facilities, the cumulative total of the de minimis impacts, from both improved and vacant properties, shall not exceed three (3) percent of the maximum volume at the adopted level of service standard of the affected transportation facility.
  4. Actions administered through development orders and other development which do not increase demand on facilities subject to these regulations, such as grading or land excavation or structural alterations which do not include a change of use and satisfy provisions of 1. and 2. above.
- (B) Vested developments. Projects that have valid final development orders or unexpired concurrency reservations pursuant to a plat or building permit issued prior to **October 29, 2015**.
- (C) Redevelopment projects. Proposed redevelopment shall be credited for the existing demand on available capacity. If a redevelopment project generates in excess of the existing demand

which it is replacing, a concurrency review shall be required; however, the concurrency review shall only address the amount by which the proposed demand generated exceeds the demand of existing development. The development plan for redevelopment must be submitted no more than one year after the prior use is discontinued in order to qualify for a concurrency credit. If the proposed redevelopment generates equal or less demand than the existing project, the applicant shall be given a concurrency credit enabling the applicant to reserve the unused capacity.

- (D) City public facilities. City public facilities which are to ensure the protection of the health, safety and general welfare of the citizens shall be exempt from concurrency review. This shall include all public facility construction projects included in the City capital improvements program required to meet any adopted level of service standard.

**Sec. 22-219. Concurrency Level of Service Standards**

The following criteria shall be applied to determine whether or not sufficient public services and facilities capacity exists.

**LEVEL OF SERVICE (LOS) STANDARDS**

(A) **Potable Water**

1. The regional treatment system shall operate with a rated maximum daily capacity no less than 2 percent above the maximum day flow for the preceding year, and an average daily capacity 2 percent above the average daily per capita system demand for the preceding 5 years. The maximum daily flow shall be determined by calculating the average of

the highest five single day flows for the previous 12 months.

2. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Rescue Department, minimum fire flow, based on the land use served, shall be determined as follows:

Land Use	Minimum Fire Flow Gallons per Minute
Single Family and Duplex	750
Multi-Family, Semiprofessional Offices	1,500
Hospitals, Schools	2,000
Business (Commercial), Industry	3,000

3. Water quality shall meet all federal, State, and County primary standards for potable water of the Countywide average.
4. Countywide storage capacity for finished water shall be no less than 15 percent of the Countywide average daily demand.

**(B) Sanitary Sewer**

1. Regional wastewater treatment plants shall operate with physical capacity no less than the average annual daily sewage flow.
2. Effluent discharged for the wastewater treatment plants shall meet all federal, State and County standards.

3. The system shall collectively maintain the capacity to collect and dispose of 102 percent of the average daily sewage system demand for the preceding five years.

**(C) Solid Waste**

1. The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five years (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows.

**(D) Drainage**

The Stormwater Management (Drainage) Level of Service (LOS) Standards for Miami-Dade County contains both a Flood Protection (FPLOS) and Water Quality (WQLOS) component. The minimum acceptable Flood Protection Level of Service (FPLOS) standards for Miami-Dade County shall be protection from the degree of flooding that would result for a duration of one day from a ten-year storm, with exceptions in previously developed canal basins as provided below, where additional development to this base standard would pose a risk to existing development. All structures shall be constructed at, or above, the minimum floor elevation specified in the federal Flood Insurance Rate Maps for Miami-Dade County, or as specified in chapter 11-C of the Miami-Dade County Code, whichever is higher.

1. Basin-specific FPLOS standards shall be established through the adoption of a Stormwater Master Plan to be approved by the Miami-Dade County Board of County Commissions and the South Florida Water Management District. Until the approval of basin-specific FPLOS standards through this coordinated process, the following additional exceptions shall apply:
  - a) Wherever Miami-Dade County has adopted cut and fill criteria pursuant to Chapter 24-58.3(F) of the County Code (November 30, 2004) including fill encroachment limitations necessary to prevent unsafe flood stages in special drainage basins, the minimum applicable FPLOS standard shall be the degree of protection provided by the applicable cut and fill criteria;
  - b) Where cut and fill criteria have not been established north of S.W. 152 Street inside the Urban Development Boundary (UDB), the minimum acceptable FPLOS standard shall be protection from the degree of flooding that would result for a duration of one day from a ten-year storm;
  - c) Exceptions may be granted on a case-by-case basis east of Levee-31 N, where physical characteristics of sites do not allow the ten-year one-day floodwater to be retained on site; and
  - d) West of Levee-31 N, there shall be no off-site drainage, all septic tank drainfields shall be elevated above the hundred-year flood elevation,

and the extent of land filling shall be minimized as provided in applicable provisions of the Miami-Dade County East Everglades Zoning Overlay Ordinance. The County shall review these criteria when the water management facilities programmed in the N.E. Shark River Slough General Design Memorandum and the C-111 General Reconnaissance Review are fully operational.

2. The Stormwater Management Water Quality Level of Service (WQLOS) component of the standard shall be met when the annual geometric mean for each of the following twelve priority NPDES pollutants does not exceed the following target criteria for each of those pollutants within a canal basin, or sub-basin, as determined in accordance with procedures established by Miami-Dade County Regulatory & Economic Resources Department:

<b>Pollutant</b>	<b>Target Criterion</b>
Biological Oxygen Demand (BOD)	9 mg/l
Chemical Oxygen Demand (COD)	65 mg/l
Total Suspended Solids (TSS)	40 mg/l
Total Dissolved Solids (TDS)	1,000 mg/l
Total Kjeldahl Nitrogen (Ammonia-Nitrogen and Organic Nitrogen)	1.5 mg/l
Total Nitrate (NOX-N)	0.68 mg/l
Total Phosphate (TPO4)	0.33 mg/l
Dissolved Phosphate (OPO4)	Not Available
Cadmium (Cd)	0.0023 mg/l
Copper (Cu)	0.0258 mg/l
Lead (Pb)	0.0102 mg/l
Zinc (Zn)	0.231 mg/l

3. Applicants seeking development orders in canal basins, or sub-basins, that do not meet either the FPLOS or the WQLOS shall be required to conform to Best Management Practices (BMPs) as provided by City and Miami-Dade

County Code. Owners of commercial or industrial properties where BMPs are required, shall, at a minimum, demonstrate that their on-site stormwater system is inspected two times per year and maintained and cleaned as required. Private residential developments in areas where BMPs are required shall demonstrate that their on-site stormwater systems are inspected two times per year and maintained and cleaned as required.

**(E) Traffic Circulation**

The minimum acceptable peak period (meaning the two highest consecutive hours of traffic volume during a weekday) operating level of service (LOS) for all State and County roads in Miami-Dade County inside the Urban Infill Area (UIA) shall be the following:

1. Within the Urban Infill Area:
  - a) Where no public mass transit service exists, roadways shall operate at or above LOS E;
  - b) Where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, roadways shall operate at no greater than 120 percent of their capacity;
  - c) Where extraordinary transit service such as rapid transit (e.g. commuter rail, Metrorail and People Mover, or premium bus systems) exists, parallel roadways within ½ mile shall operate at no greater than 150 percent of their capacity.
2. Notwithstanding the foregoing, the following standards are adopted by the City as its minimum LOS standards for



Florida Strategic Intermodal System (SIS) highway corridors in Miami-Dade County inside the UBD:

- a) Limited access State highways shall operate at LOS D or better, except where exclusive through lanes exist roadways may operate at LOS E.
- b) Controlled access highways shall operate at LOS D or better, except where such roadways are parallel to exclusive transit facilities or are located inside designated transportation concurrency management areas (TCMA's), roadways may operate at LOS E.
- c) Constrained or backlogged limited and controlled access State Highways operating below the foregoing referenced minimum LOS standards must be managed to not cause significant deterioration.

**(F) Mass Transit**

The minimum peak-hour mass transit level of service shall be that all areas within the UDB which have a combined resident and work force population of more than 10,000 persons per square mile shall be provided with public transit service having 30-minute headways and an average route spacing of one mile provided that:

1. The average combined population and employment density along the corridor between the existing transit network and the area of expansion exceeds 4,000 per square mile. The corridor is 0.5 miles on either side of any necessary new routes or route extensions to the area of expansion;

2. It is estimated that there is sufficient demand to warrant service;
3. The service is economically feasible; and,
4. The expansion of transit service into new areas is not provided at a detriment to existing or planned services in higher density areas with greater need.

**(G) Recreation and Open space**

The minimum level of service for the provision of Recreation and Open Space shall be the following:

1. At least 1.8 acres of recreation and open space per 1,000 resident population;
2. At least one acre of recreation and open space within a five minute walking radius (1/4 mile) of all residential and mixed use areas in the City

**(H) Public Schools**

The City shall coordinate new residential development with the for public school facilities future availability of public school facilities consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

Level of service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools that are required to serve the residential development within their established Concurrency Service Areas (CSA). Levels of service standards do not apply to charter schools. However the actual enrollment (October Full Time Equivalent (FTE)) of both charter and magnet schools as a percentage of the total district enrollment will be credited against the impact of development.

The adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). The LOS standard except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a statewide basis.

**Sec. 22-220. Concurrency Management System (CMS) Criteria for Review**

The Concurrency Management System (CMS) is intended to provide criteria and a systematic process for the review and evaluation of all proposed development for its impact on concurrency facilities and services, as required by the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. ch. 163, Part II, and F.A.C. Rule 9J-5.0055. The CMS criteria and process are as follows:

**CONCURRENCY MANAGEMENT SYSTEM**

<b>Potable Water, Sanitary Sewer, Solid Waste, and Drainage</b>
<ol style="list-style-type: none"><li data-bbox="483 310 1385 493">1. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or</li><li data-bbox="483 514 1385 907">2. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(a), F.S.]</li></ol>
<b>Transportation Facilities (Roadways and Mass Transit)</b>
<ol style="list-style-type: none"><li data-bbox="483 966 1385 1050">1. At the time a development order or permit is issued, the necessary facilities and services are in place or under construction; or</li><li data-bbox="483 1071 1385 1854">2. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government five-year schedule of capital improvements. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five year work program. The Capital Improvements Element must include the following policies:<ol style="list-style-type: none"><li data-bbox="532 1617 1385 1701">a. The estimated date of commencement of actual construction and the estimated date of project completion.</li><li data-bbox="532 1722 1385 1854">b. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of</li></ol></li></ol>

service standard and which is listed in the five-year schedule of capital improvements; or

3. At the time a development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or
4. At the time a development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(c), F.S.]
5. For the purpose of issuing a development order or permit, a proposed urban redevelopment project located within a defined and mapped Existing Urban Service Area as established in the local government comprehensive plan pursuant to Section 163.3164(29), F.S., shall not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., of this chapter for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use which was occupied and active within a time period established in the local government comprehensive plan. [Section 163.3180(8), F.S.]
6. For the purpose of issuing a development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C., only if all of the conditions specified in subsection 163.3180(6), F.S., are met.

[Section 163.3180(6), F.S.]

7. A development order or permit within a designated multimodal transportation district may be issued provided the planned community design capital improvements are included in a financially feasible long range schedule of improvements for the development or redevelopment time-frame for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements as specified in Section 163.3180(15)(c), F.S.

#### **Recreation and Open Space**

1. At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or
2. A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share (based on Miami-Dade Property Appraiser's assessed value x 1.25) are committed; and
  - a. A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted local government 5-year schedule of capital improvements; or
  - b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after

issuance of a certificate of occupancy or its functional equivalent; or

- c. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent. [Section 163.3180(2)(b), F.S.]

- d. In order to achieve the requirement of at least one acre of recreation and open space within ¼ mile of all residential and mixed use areas of the City, impact fees or donations in-lieu-of impact fees may be collected and held in a fund earmarked for the acquisition and/or development of future park acreage in areas where the distance standard is not currently met.

#### **Public Schools**

1. For district-wide concurrency service areas:
  - a. At the time the residential site plan or plat is issued, the necessary facilities and services are in place or under construction; or
  - b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.
2. For less than district-wide concurrency service areas: If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous

service areas and school capacity is available district-wide as defined in Section 163.3180(13)(e), F.S.

**Sec. 22-221. Concurrency Administration**

The Department shall be responsible for concurrency reviews as required by this concurrency management system. The Department in conjunction with other City staff shall determine whether adequate capacities for concurrency facilities are available to satisfy the demands of each proposed development.

- (A) Application for concurrency review. Concurrency review shall be initiated upon submission and acceptance of an application for a development plan approval, preliminary subdivision plat, or a building permit, whichever first occurs.
- (B) Project impact assessment. The Department shall use the best available information to establish and evaluate existing capacities for concurrency facilities. The applicant shall be responsible for supplying the anticipated land uses, densities and/or intensities, of a proposed development and the anticipated date of completion of proposed development. The Department shall assess the anticipated impacts of the proposed development on concurrency facilities.
- (C) Project phasing/timing of improvements. Concurrency facilities associated with a phased development may also be phased. However, all concurrency facilities necessary to accommodate the impacts of each phase must be available or a schedule for the acquired improvements must be approved prior to the issuance of a development order. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate the impacts of the development (or portion thereof) for which a



certificate of occupancy has been applied shall be in place as provided for in Section 22-153. above.

(D) Concurrency review determination. Upon the conclusion of the concurrency review, the Department shall prepare a written determination concerning the proposed development. This determination shall address, but is not limited to:

1. The anticipated public facility impacts of the proposed development;
2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards;
3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and
5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development.

(E) Concurrency denials. In the event that the City concurrency review reveals that the proposed development would generate public facility impacts beyond that which can be absorbed by available capacity, the City shall determine whether there is a financial or other legally binding commitment to ensure that public facilities necessary to correct the anticipated deficiency will be in place concurrent with the impacts of the proposed development. If

the City and/or a developer are unable to provide such assurances, the project shall be denied.

**Sec. 22-222. Concurrency Review**

The Department, through review and approval, shall initiate the review to certify that public facilities and services will be available concurrent with the impacts generated by the proposed development as follows:

2. The current available capacity of water service, sewage facilities, solid waste removal service, stormwater drainage, transportation facilities (roadways and transit), park facilities and educational facilities shall be established.
3. The projected impact on each of the public services and facilities listed above will be calculated for the proposed development using the required levels of service contained in City's adopted Comprehensive Plan, and in this section, as may be amended from time to time.
4. The projected impact on each of the public services and facilities shall be subtracted from the current available capacity presented above.
5. Certify that the new capacity of the public facilities and service is not below zero.
6. A written statement certifying the availability, or lack of availability, of capacity in each of the public facilities and services shall be provided by the Department prior to the issuance of the site plan, plat or the building permit, whichever is applicable.
7. Upon issuance of a development order or a building permit, the capacity of the public services and facilities needed to meet the

demands of the development being approved shall be reserved for a period of one year. The City may reserve the public service capacities for a period no longer than one year, unless a valid and binding development agreement between the City and a developer is executed extending the time period.

**Sec. 22-223. Capacity Reservation Certificate**

- (A) Reservation of capacity. After a development order is approved, the capacity demand of said development shall be considered to be reserved for a period of 18 months. The time frame of the concurrency reservation shall be based on the time frame of the building permit or development agreement. If the time frame of the development order and/or the development agreement lapses, the available capacity assigned to the development order shall be returned to the available capacity pool.
- (B) First-come-first-served. Capacity shall be reserved on a first-come, first-served basis by the Department. Such reservation shall be valid only for the specific final development order and for the specified land uses, densities, intensities, construction and improvement schedules contained in the approved development order. Reservation of capacity runs with the land and is transferable to a successor in ownership. Reservation of capacity for concurrency shall expire if the underlying development order or development agreement expires or is revoked. The development order shall state the terms of the concurrency reservation, including the allocation of available capacity, the time-frame for the allocation, and other appropriate legal assurances.
- (C) Project deferrals/development moratoriums. If at any time the City inventory of the capacity of concurrency facilities indicates that a concurrency facility has dropped below its adopted level of service

standard, the City shall cease to issue development orders for projects which would impact the deficient facility or the area impacted by the deficient concurrency facility, as defined within this concurrency management system. Such a suspension or moratorium on the issuance of development orders shall continue until such time as the adopted level of service standard is re-established, the Comprehensive Plan is amended to reflect an acceptable level of service standard for the facilities in question, or alternative arrangements are made to ensure capacity will be available.

**Sec. 22-224. Recreation and Open Space Exception and Credits**

With respect to each subdivision development or multi-family, should the developer provide public or private open space for park and recreation purposes for the benefit of the residents of such proposed development, the land dedication requirement or fee in lieu of land shall be reduced by the amount of private park and recreation area provided, subject to the following conditions:

- (A) That the total credit for any private open space for any development shall not exceed fifty (50) percent of the total park and recreation area dedication requirement. Public dedication of open space shall receive 100% credit.
- (B) That each private open space is contiguous and physically designed in a generally compact area within a development in order to be counted as a credit towards meeting the park and recreation area dedication requirement and shall be no less than five-tenths (0.5) acres in size.

- (C) That such open space shall be zoned in an open space district.
- (D) If such open space shall be privately owned, in fee simple absolute, either in common title to the residents of such development or by a corporation or association created for the purpose of holding title to common property for the benefit of such future residents.
- (E) Private open space shall not be encumbered by a lease, use agreement or mortgage and/or any other restriction or encumbrance whereby the developer of the subdivision, his assigns, or successors or heirs will enjoy periodic payments for the use of purchase of such property.
- (F) Private open spaces shall be maintained by and at the discretion of the residents of the development, and that the administration of such maintenance is adequately provided for by a written agreement or by deed restrictions.
- (H) Private open space shall be adequately defined by legal description by which such open space may be clearly delineated from other property which is subject to individual private ownership.
- (I) That the use of such private open space is restricted for park and recreational purposes by recorded covenants and restrictions which run with the land in favor of the owners of the property of the development and which have an initial term of enforcement of not less than thirty (30) years, and which cannot be revoked without the consent of the City Commission.

- (J) The yards, court areas, setbacks and open areas required to be maintained by the zoning and building regulations of the city shall not be included in the computation of such private open space.
- (K) All documentation with respect to the requirements of this section shall be submitted to the office of the City Attorney who shall review the documentation and make recommendations to the City Commission with respect to its legal sufficiency.
- (L) Residential Development - The fee required to be paid pursuant to the requirements hereof shall be used for the purpose of providing parks, recreational facilities and other amenities.
- (M) Payment of Fees – The payment of fees under the requirements of this section shall be completed in any manner deemed satisfactory by the City Commission as long as said payments are made prior to the issuance of any building permit for any portion of the proposed development.

**Sec. 22-225. Capital Improvements Schedule Review**

In order to ensure that proposed capital improvement projects are being planned to meet the concurrency requirements outlined in the Section, the Department shall draft and review the City's 5-year Capital Improvement Schedule [CIS]. Following the drafting of the CIS, the Department shall forward it to the City's Local Planning Agency and the City Commission for their review and consideration.

**Reserved Sec. 22-226. – 22-236.**

**Title**

This Ordinance shall be known as the “Sign Code of City of Opa-locka”, Sign Regulations.

**General Principles**

The City of Opa-locka is located in Miami-Dade County with major transportation thoroughfares including N.W. 27th Avenue, N.W. 22nd Avenue, NW 135th Street, and N.W. 42nd Avenue. These corridors are the emphasis for development and redevelopment in the City’s Comprehensive Development Master Plan. The standards set forth herein establish criteria for each type of transportation corridor, tied to roadway classification. This provides a more consistent approach to implementation of the code, as opposed to following zoning district boundaries.

**Purpose and Intent**

These sign regulations and requirements are the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare, to maintain a positive character and image for residential, business and industrial areas throughout the City, to conserve the taxable value of land and buildings, to protect the character and maintain the stability of residential, business, and industrial areas within the city, and to promote the orderly and beneficial development of such areas. The display of signs should be appropriate to the land, building or use they identify and be adequate, but not excessive, for the intended purpose of identification or advertisement.

Unless otherwise prescribed herein, signs placed on land or on a building for the purpose of message display, identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to subject land, building or use. With respect to signs advertising business uses, these regulations are specifically intended to promote public safety, and avoid excessive competition and clutter among sign displays in the demand for public attention.

**Definitions**

The following words and phrases are hereby defined as provided in this section. Where there is a question as to the interpretation of a term, word, classification or definition of a sign, the City Manager or designee



(Director) shall make the final determination on the term, category, classification, and/or definition applicable.

For the purposes of this Ordinance a sign shall mean any display of characters, letters, logos, illustrations, figurines, costumed form, whether human or not, or any ornamentation designed or intended, or used as an advertisement or announcement, that directs attention to a particular product, commodity, or business enterprise, or to indicate direction. Use of vehicles, equipment, inflated balloons, lighting, or the like as an attention attractor or advertising device visible from public or private streets, with or without a printed or written message or advertisement, shall also be considered a sign.

*Abandoned sign.* A sign which advertises or identifies a business establishment, product or activity, not legally established, has ceased, or which is no longer in operation.

*Advertising .* Any form of public announcement intended to aid, draw the attention to, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity or entertainment.

*Anchor tenant.* For the purposes of this Ordinance an anchor store shall be considered the major tenant/occupant/use of a building, property, and/or development.

*Animated signs.* A sign which utilizes motion of any part by any means, including wind power, or displays flashing, oscillating or intermittent lights, animated animal figures or characters.

*Automatic Electric Changing Signs.* Electronic, LCD, LED type signs allowing changeable copy by automated or mechanical means used to depict change of light, action, create special effects, and messages for advertising purposes. Referred to as ACS signs in the Miami-Dade County Code of Ordinances.

*Awning/Canopy signs.* Any sign affixed to or supported by an awning or canopy. Such sign shall be considered a wall sign.

*Banner.* A temporary sign made of flexible, sturdy fabric or material and temporarily fixed to a building or structure, or mounted in the ground. Such signs shall include pennants, streamers, or other similar types signs.

*Billboard.* A sign that advertises a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. Referred to as Class “C” signs in the Miami-Dade County Code of Ordinances.

*Box or cabinet sign.* Any sign, the face of which is enclosed, bordered or contained within a box-like structure, frame or other device, such box may be internally illuminated, and mounted flush to the building façade. Such sign shall be considered a wall sign.

*Brand identity.* The registered corporate trademark of a business, either a logo, logotype, color scheme, slogan, or designs which through consistent copyrighted use have become identifiable with a specific business or institution.

*Building directory sign.* A sign listing the location of activities, services, addresses and/or tenants within a building, incidental to the property it is located on, but not intended to advertise the use in any manner.

*Changeable copy sign (manual).* A sign on which the message copy is changed manually in the field through the utilization of attached letters, numbers, symbols, and other similar characters or changeable pictorial panels.

*Channel lettering sign.* A fabricated sign of which the lettering and/or other copy is customarily a translucent white or colored acrylic and which has internal illumination within each individual letter and/or component to illuminate the face of each individual letter and/or component. Such signs shall be considered wall signs.

*Construction sign.* A sign erected or maintained on the premises temporarily while undergoing construction by an architect, contractor, sub-contractor, developer or finance organization, or other type of affiliation with the construction, at which location such individual is furnishing labor, materials, or services and bearing the name(s) of same. Such signs shall be considered a temporary sign.

*Copy.* All wording, lettering, graphics, logos, trademarks, slogans affixed on a sign in either permanent or removable letter form.

*Directional sign/Informational signs .* A sign which only conveys information or provides direction, and is located and designed to be viewed on site by pedestrians or motorists. Such signs shall include, but not be limited to, signs that depict “entrance”, “exit”, “caution”, “no trespassing”, “no parking”, “valet parking”.

*Directory sign.* A sign, either freestanding or wall-mounted listing the location of activities, services, addresses and/or tenants within a multi-tenant/use development, incidental to the property it is located on, but not intended to advertise the use in any manner.

*Drive-thru sign.* A sign intended to display menu items for an establishment with a drive-thru intended to be visible to the drive-thru patrons and not visible from the public rights-of-way.

*Entry feature(s).* A combination of elements including signs, landscaping, and other architectural elements placed to one (1) or both sides of a roadway or entranceway of a property and/or development, either non-residential, residential, or mix-use.

*Façade.* Shall mean the entire building wall including wall face, parapet, fascia, windows, door, and canopy of an elevation of the building.

*Flag.* A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square or triangular attached at one (1) edge to a staff, pole

or cord that is usually the symbol of a nation, state, county, municipality, or civic organization or a corporate entity.

*Freestanding sign.* A self-supported sign structure ground mounted and not attached or affixed in any way to a building or any other structure.

*Graphics.* The use of illustrations, photos, logos, typography, etc. as a wall treatment or as part of a sign either illuminated and/or non-illuminated.

*Handheld Sign.* Any sign held, suspended, or supported by an individual(s).

*Illegal sign.* Any sign placed, erected or installed without proper approval or permits from the city, or not in compliance with the regulations set forth in this Ordinance.

*Illumination-external.* Illumination of a sign face or graphic element from a shielded light source that is not internal to the sign itself.

*Illumination-internal.* A light source concealed or contained within the sign which becomes visible by shining through a translucent surface, letter or graphic image.

*Inflatable/Balloon.* A sign that is an inflatable structure and/or object of any size which may contain a display of copy or not, and intended to direct attention. Standard balloons with or without copy shall be considered an inflatable/balloon sign.

*Logo.* A registered symbol, emblem, trademark or graphic device used as a badge or identity, used by an organization or corporation to identify corporate property or products.

*Logotype.* The use of a group of words or word which has been designed to create a unique identity or trademark for an organization or corporation.

*Maintenance.* The routine cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, size or structure of the sign.

*Marquee/Marquee Sign.* A permanent roof-like shelter extending from part or all of a building face, projecting from and supported by the building and extending beyond the building wall, building line or street line. Marquee signs may or may not project over the public right-of-way. For the purposes of this ordinance a marquee sign shall be treated as a changeable copy sign.

*Mascot/Figurine/Costume Signs.* Mascot/figurine/costume signs shall be defined as any figurine, costumed form, whether human or not, used or intended to be used as a commercial advertisement or announcement, that directs attention to a particular product, commodity or business enterprise.

*Memorial Sign.* Sign which memorializes a person, event, or historical building or object. In addition, memorial signs include plaques or masonry on buildings which may involve the display of name, date of erection and use of building.

*Menu board sign.* A sign that is displayed immediately adjacent to the front entry of a restaurant in which is displayed the published menu and corresponding prices of the food and services provided.

*Mixed-Use development.* A development, site, and/or building(s) with multiple uses of which there is a mix of residential and non-residential uses.

*Monument sign.* A freestanding sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign. The base of supporting structure is embellished to conceal all structural or support members. The perimeter of said sign is landscaped to enhance the area adjacent to the sign. Eighty percent

(80%) of the base supporting structure shall be in contact with the ground. The sign face should be solid and not intended to be a pole type design.

*Multi-story structure.* A building or structure or portion thereof with two (2) or more stories measured from grade, to include stories used for parking.

*Multi-use / Multi-tenant development .*A development, site, and/or building(s) with separate unrelated business entities, each considered a principal use, such as, but not limited to a shopping center, office building, and mixed-use development.

**Murals:** Any mosaic, painting or graphic art technique applied, implanted or placed directly onto a window or wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or services offered for sale on the premises.

**Mural advertising sign:** Any mosaic, painting or graphic art technique applied, implanted or placed directly onto a window or wall/which contains copy, advertising symbols, lettering or other references to the premises or to the products and/or services offered.

*Nameplate sign.* A sign indicating the name, and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

*Neon sign.* A sign using neon gas tubing as a light source.

*Nonconforming sign.* A sign existing within the city on the effective date of this Ordinance or a sign existing in an area annexed to the City of Opa-locka, after the effective date of this Ordinance, which, by, but not limited to, its design, height, type, copy, sign area, location, use, structural support or other characteristics does not conform to the requirements of this Ordinance.

*Off-premise sign .*A sign located or placed other than on the premises or property of which the copy is intended.

*Open house sign.* A sign advertising and pointing toward the direction of a house that is open for inspection for the purpose of selling said property. Such signs shall be located on the property of which the copy is intended, otherwise, such sign shall be considered an off-premise sign.

*Parapet.* The extension of the building facade or wall above the roof line.

*Permanent sign.* A sign intended for permanent use, without a permitted duration period.

*Pole sign .*A permanent sign erected, supported, mounted on a pole or poles which is wholly independent of any building or other structure for support.

*Portable sign.*Any movable sign not permanently attached to the ground or a building.

*Projecting sign.* Any sign projecting more than 12 inches from the building façade that it is affixed to, or suspended from above and perpendicular to the building façade.

Public art shall mean publicly accessible original art that enriches the City and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include the artist designed infrastructure and structures themselves. Public art may be classified as a sign, and should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or be a discrete work.

*Raceway signs.* Signs employing a metal box or raceway which conceals the transformers and electrical wiring necessary to operate the sign. The logos or letters that make up the sign are attached to the raceway instead of to the building facade.

*Real estate sign.* A sign that advertises the owner, or his agent, indicating property which is for rent, sale or lease.

*Reverse channel wall sign.* Individual copy lettering or sign components that are individually mounted directly on the wall having lighting concealed within the letter or number so that the light reflects off the wall (i.e. reverse lighting), creating a "halo" effect.

*Roof sign.* A sign erected over or on the roof, or extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.

*Sandwich sign.* A moveable sign not secured or attached to the ground. Such sign shall be considered a portable sign.

*Sidewalk Sign.* Advertisement written, stenciled, or painted on the pavement of the right-of-way, as well as sandwich signs, shall be considered sidewalk signs.

*Sign Face.* The portion of the sign of which copy is displayed, and shall not include the base or foundation of the monument sign.

*Sign Height.* The vertical distance from the top of the grade to the top of the sign's highest element, including all structural elements. Grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

*Sign setback.* The distance between the adjacent property line to the closest part of the sign structure.

*Sign spacing.* The distance measured in a straight line from the closest part of one sign structure to closest part on another sign structure or building or structure, except, that when measuring the spacing between



signs on the different rights-of-way the measurement shall be taken along the perimeter of the property line and/or then taken perpendicular to signs located across such rights-of-way. Spacing between signs and a building or structure shall be the shortest distance measured from the closest part of the sign structure to the closest part of the building façade.

*Sign plan.* A set of plans depicting the proposed aesthetics, creative, and dimensional standards for all signage within the property. Such plan shall be in compliance with the regulations contained herein.

*Slogan.* The use of a group of words or word which has been designed to create a unique identity or trademark for an organization or corporation.

*Sign area for monument, and freestanding signs.* The total square footage of a sign inclusive of structural supports.

*Sign owner.* For the purposes of this Ordinance the owner/tenant/person(s) responsible for the installation, erection, mounting, maintenance, and/or repair of the sign shall be considered the sign owner.

*Single use development.* A development, site, or building(s) with one (1) principal use. Such use may have related ancillary and accessory uses to the principal uses, but together the uses are intended to operate as one principal use.

*Snipe sign.* A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, or to other objects with the message appearing thereon not applicable to the present use of the premises or structures upon which the sign is located.

*Special event sign.* A sign identifying a temporary event being held within the City sponsored or approved by the City.

*Spot/Search light sign.*A strong, focused light, either stationary or in motion, with the intention of attracting attention to the business, premises, activity or event.

*Street frontage.*The linear footage measured along the length of the property line of a piece of property, as it abuts to the street right-of-way of a public street. Frontage that abuts an alleyway shall not be counted towards street frontage calculations.

*Temporary Construction Fence Sign (TCFS).*Signs affixed to, or integrated on construction fences and walls, as such fences and walls may be required for compliance to applicable regulations, and to shield and buffer construction sites from public view. TCFS are intended to include certain information and graphic material to identify, advertise, or draw attention to the proposed project.

*Temporary Holiday sign.*A sign that represents a recognized holiday, cultural celebration or religious observance. Such signage shall include associated decorations, lighting, and animation.

*Temporary sign.*A sign intended for temporary use with a permitted duration period.

*Umbrella sign.*A sign affixed to an umbrella, usually located outdoors.

*Vehicle sign.*A sign affixed to, contained within, or painted on a transportation vehicle including automobiles, trucks, boats, trailers, and recreational vehicles for the purpose of identification or advertisement, whether stationary or in motion, with the primary purpose of calling attention to a business establishment, service, production or event.

*Wall sign.*A sign installed or erected parallel to the facade of any building upon which it is attached and designed to be in proportion to the architectural facade or wall upon which it is fastened and not projecting or extending above the buildings' roof or parapet line. Wall signs shall include all signs such as awning/canopy signs, marquee signs, or any

other similar signs, but shall not include signs defined herein as window signs.

*Window area.* The window area of a storefront shall be the total square footage of all glass areas of a storefront. This would include all areas of glass windows, doors, side lights and transoms, fixed or operable, located on the elevation of the building or storefront on which the front door or primary entrance to the establishment is located.

*Window sign.* Any sign located within a window or upon the inside surface or outside surface of the window glass used to attract such attention located within the premises. Signs which are located within three (3) feet from the window opening shall be considered a window sign. Such window signs shall include, but not be limited to, signs indicating professional/financial affiliations, services and products, menus/price lists, opening hours, and other similar type signs.

*Window sign area.* The total area of the imaginary rectangles contiguous to and surrounding each word, picture, logo, logotype, symbol, banding or graphic, as a percentage of the total ground or second floor window area of the premise as it may apply in accordance to this Ordinance.

### **Sign Plan Required**

A. Purpose. The purpose of a Sign Plan is to encourage diversity, creativity, uniformity of all signs for more aesthetically pleasing development. Signage shall be in compliance with an approved Sign Plan. Owners, or their authorized designee shall submit a proposed Sign Plan in an application form approved by the City, with established fees, to the Director.

B. Approval Required. Unless otherwise provided in this Ordinance, approval of a Sign Plan by the City shall be required prior to the issuance of a sign permit to install, alter, erect, construct, post, paint, maintain, or relocate any sign.

The issuance of a Sign Permit is subject to a two-step process:

Sign Plan Approval With Community Development Department

Sign Plan Permit With the Building Department

It shall be unlawful for any person to install, alter, erect, construct, post, paint, maintain, or relocate, within the municipal limits of the City of Opa-locka any sign, unless otherwise exempt by this Ordinance, without first having obtained a permit from the City, and/or have a valid permit for said work. Said permit shall be issued by the Building Department only after determination has been made by the Community Development Department that full compliance with all conditions of this Ordinance have been met and complied with. Before any permit is issued, an application for such permit shall be filed on a form approved by the City with the established fee.

Applicants must obtain Sign Plan Approval from the Community Development Department, per the process outlined in this ordinance. The Department, if it approves the application, will issue a letter to the Applicant which then can be brought to the Building Department to obtain a Sign Plan Permit.

C. Community Development Sign Plan Approval Process:

Sign Plan Inclusions. The Sign Plan shall include all signs to be installed within the property, including any out parcels to be and/or developed sharing common driveways and parking.

Submittal Information. In addition to all customary and required submittal information required for permitting, permit applications involving signs shall, at minimum, include:

A drawing of the subject site showing the proposed sign location and distance from property lines and from other signs on the site and adjacent properties;

A dimensioned elevation drawing showing the sign area calculations, proposed sign area, height and other dimensions, stress/wind load levels, and proposed illumination , areas of changeable copy, if applicable; and

Landscape plan indicating plant material and ground cover.

All other information as may be necessary to fully advise and acquaint the issuing department to determine compliance within this Ordinance, the Florida Building Code, and other applicable codes adopted by the City. This shall include the sign copy for each sign, including but not limited to logos, trademarks, etc., as well as the type of sign, including, but not limited to, the type of lettering i.e. channel letters or cabinet style, color, materials, changeable copy area, etc.

#### Procedure

##### Investigation/Time Limits

Upon the receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the City Manager or designee shall promptly conduct an investigation of the application, the proposed sign and the premises. The City Manager or designee shall grant or deny the permit application within 30 days from the date the completed application with application fee was filed with the city manager or designee.

##### Issuance or Denial of Permit

Sign Plan Criteria. In reviewing the sign plan the City Manager or designee shall determine if the following criteria has been met:

That the signage for the project is in keeping with the overall architecture and character of the building development, etc.

That the signage for the project is designed to meet the directional needs of the project for communication, identification, way finding, regulatory and informational messages in keeping with the overall architectural theme of the development or project.

That the signage proposed is legible, conspicuous and easily readable.

That the visibility and impact of the type of sign, number of signs, design, size, method of, construction, illumination and location of the proposed signs are in compliance with the minimum standards of this Ordinance, and does not adversely impact adjoining properties, or create a hazard of health risk.

That the proposed signage is consistent and not in conflict with the intent and interests of the City of Opa-locka, as stated in the policy adopting this code.

If, after review and investigation as required herein, the City Manager or designee determines that the application meets the requirements contained in this chapter and determines the proposed sign will not violate any building, electrical or other adopted codes of the city, including the provisions of this ordinance, the city manager or designee shall issue the permit.

The City Manager or designee shall have authority to refuse the issuance of or revoke any license or permit issued under the provisions of this article if the application submitted shall not comply with provisions in this article. In addition, the Director shall have the authority to refuse issuance of permit approval if:

The application for a permit contains a fraudulent statement or misrepresentation;

The activity licensed or regulated fails to deposit the necessary and proper monies required by the applicable ordinances or if the applicant owes outstanding monies to the City..

The activity advertised is conducted in an unlawful manner, or in a manner which constitutes a breach of the peace or a menace to the health, safety or general welfare of the City.

The proposed sign would violate any building, electrical or other adopted codes of the City.

A copy of the report shall be sent by certified mail to the designated return address of the applicant on the application.

If the application is denied, the applicant may submit a corrected application within fourteen (14) days of the notice of denial without additional cost, and staff will review the corrected plan within fourteen (14) days of receipt of resubmission. If the applicant does not resubmit a corrected application within fourteen (14) days of the notice of denial, a new sign plan approval application and fee will have to be submitted, and the City will have an additional thirty (30) days to review the new application.

Appeals. The decision of the City Manager or designee to grant or deny a sign permit is an administrative decision. Any person aggrieved by the action of the City Manager or designee in the denial or revocation of any permit or license shall have the right of appeal to the Zoning Board of

Appeals. Appeal shall be taken by filing a written statement setting forth the grounds for appeal with the Board within fourteen (14) days after written notice of denial or revocation. The Commission shall set a time and place for hearing the appeal and notice of hearing shall be given to the appellant five (5) days prior to the hearing. The decision and order of the Board shall be final and conclusive. Such appeal shall be submitted on a form approved by the City and accompanied with a fee as established in the City's Schedule of Fees.

Variances Whereas it is the attempt of this sign code to reduce the proliferation of the number, size and types of signs, and whereas it has been determined that less-obtrusive signs will ultimately lead to a healthier economy within the City of Opa-locka, therefore no sign shall be permitted to be installed, altered, erected, constructed, posted, painted, maintained, or relocated, contrary to the provisions of this Ordinance unless a variance or waiver is approved by a majority vote in favor of granting such a variance and waiver by the members of the Opa-locka City Commission:

A decision to grant a variance must be in conformance with the following criteria and procedure:

The variance is limited to height and/or setback requirements.

There is something unique about the building or site configuration that would cause the signage permitted by this Ordinance to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.

The grant of a variance is not contrary to the plan and intent of the sign code or any adopted redevelopment plan or policies, the aesthetics of the area, and does not create a nuisance or adversely affect any neighboring properties.

The sign provides certain aesthetics, landmark recognition, or public benefit that is in the best interest and general welfare of the City, without detrimental impacts to the surrounding area.

A variance may be petitioned as set forth below:

Complete an Application as provided by the Department of Community Development with the established fee.

Provide evidence that the granting of the variance or waiver is consistent with the criteria set forth above for the granting of such variance or waiver.

All variances to this Ordinance shall only be granted pursuant to the above provisions, and after a public hearing. All variances may be conditioned on requirements deemed necessary in granting said variance.

Any variance granted pursuant to this section shall become null and void if a building permit for the approved sign is not applied for within 180 days of the written ruling from the Opa-locka City Zoning Board of Appeals. The Director may issue an extension for up to an additional 180 days providing written request with just cause and reason is provided prior to the expiration of the original 180 day period. Additionally, said variance shall become null and void in the event that a permit expires or is revoked.

All signs approved by this waiver process must be constructed and installed as substantially in compliance with the information and plans presented to the Opa-locka Zoning Board of Appeals both in writing and verbally. Failure to construct or erect a sign substantially in compliance with the information and plans presented shall render the variance null and void, and any sign installed, erected not in substantial compliance with the information and plans provided for the variance shall be considered an illegal sign.

### **Sign Permit**

It shall be unlawful for any person to install, alter, erect, construct, post, paint, maintain, or relocate, within the municipal limits of the City of Opa-locka any sign, unless otherwise exempt by this Ordinance, without first having obtained a permit from the City, and/or have a valid permit for said work. Said permit shall be issued by the City Manager or his designee only after determination has been made that full compliance with all conditions of this Ordinance have been met and complied with. Before any permit is issued, an application for such permit shall be filed on a form approved by the City with the established fee.

The approval of a sign permit may require compliance with the Florida Building Code, and/or other provisions of this Ordinance. Signs required to comply with the Florida Building Code shall be filed as a building permit under the City's established building permit process and procedures.

#### **A. Permit Duration and Extension.**

1. Except for permits issued as part of a building permit which shall have duration in conformity with the Florida Building Code, or as such



other duration criteria as may be otherwise set forth in this Ordinance, sign permits shall expire within ninety (90) days from date of issuance.

2. If a sign permit shall expire, a new sign permit with established fee(s) shall be required prior to any sign being installed, altered, erected, constructed, posted, painted, maintained, or relocated.

3. The City Manager or Designee may extend such permit for up to a ninety (90) day period with just cause and reason being provided by the applicant.

4. Petition for extension shall be filed with the City Manager or Designee on a form approved by the City with the established fee for the extension request. If a petition for extension is filed more than fifteen (15) days prior to the expiration of the permit and if the extension is granted, the applicable sign permit fee shall not be required.

5. Identification of Permit Holder Required. Each sign requiring a permit shall have affixed on each sign the permit number of which the sign was installed, erected, or mounted under, and the sign owner's name and address. For signs not reasonably visible from ground level, such information shall be kept readily available for inspection by the sign owner.

## **General**

A. Permitted and Prohibited Signs, General Statement. Signs that are specifically identified, defined, listed and/or otherwise authorized by this Ordinance shall be permitted as set forth herein. Signs that are not specifically defined, identified, listed and/or otherwise authorized shall be prohibited.

B. Compliance with Building Codes. All signs shall conform to the requirements of the building, electrical, and other applicable technical codes, except as may be otherwise provided herein.

C. Compliance with Zoning Codes. No sign shall be erected or used to advertise any use or matter which would conflict with the regulations for the district in which it is located or be in conflict with the use permitted under the Certificate of Occupancy for the property.

D. Conflicts between Sign Ordinance Districts. Where overlaps occur in Ordinance standards, such as at intersections, or in areas with different or overlapping districts, the stricter ordinance standards shall apply.

E. Qualification and Certification of Erector. Where the erection of any sign requires compliance with any Miami-Dade County technical code, the erector of the sign shall qualify with the respective examining board.

F. Fees Required. No sign, where a sign permit is required with established fee(s) shall be installed, altered, erected, constructed, posted, painted, maintained, or relocated, unless the required permit fees are paid.

G. Responsibility for Sign. The owner and/or tenant of the premises, and the owner and/or erector or benefactor of the sign shall be held responsible for any violation of this Ordinance; provided, however, that when the sign has been erected in accordance with this chapter, the sign company shall be relieved of further responsibility after final approval of the sign.

H. Inspection. No sign shall be approved for use, unless the same shall have been inspected by the Department issuing the permit, and no sign shall be erected or used unless it complies with all the requirements of this chapter and applicable technical codes. The holder of a permit for a sign shall request inspections of a sign as follows:

1. Foundation inspection shall include method of fastening to building or other approved structure.
2. Shop inspection shall include electrical and/or structural where indicated on the permit and/or approved plan.
3. Final Inspection shall include structural framing, electrical work identification of permit number and erector of sign, etc.
4. Additional inspections may be specified on the permit and/or approved plans.

I. Maintenance. Every sign, together with its framework, braces, angles, or other supports, shall be well-maintained in appearance and in a good and safe condition, properly secured, supported and braced and able to withstand wind pressures as required by the Florida Building Code or any other regulatory code or ordinance in effect within City limits.

1. In the event that a wall sign is removed, all anchor holes shall be filled and covered in a manner that renders the anchor holes non-discernable with the wall within sixty (60) days of the removal of such sign.

2. All lights and luminous tubes illuminating a sign shall be maintained in working condition. All replacement bulbs and lenses shall be of the same wattage and color as the light it is replacing unless a change is required to meet existing Code requirements.
3. All landscaping required and provided with monument signs shall be properly maintained in appearance and good safe conditions.
4. Abandoned signs shall be removed within ninety (90) continuous days of being abandoned, or all copy shall be removed with a blank sign face; or shall be appropriately be covered shielded in a professional manner, no sign face shall be allowed to be open or otherwise incomplete so as to appear abandoned or in disrepair.

#### **Signs Permitted Without Sign Permit**

The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, other provisions of this Ordinance, or other applicable technical codes.

A. Signs Exempt from Permit Requirements. The following signs may be installed, altered, erected, constructed, posted, painted, maintained, or relocated, without a permit from the City or payment of a sign permit fee:

1. Traffic control and parking signs. Traffic control and parking signs required by law, and/or safety design standards.
2. Authorized signs in rights-of-way. Signs installed in the rights-of-way by authorized authorities as may be required by law or permitted otherwise.
3. Public safety and information signs. Signs installed on the property that are required by law for public safety or information purposes.
4. Nameplate signs. Nameplate signs installed on residential property not exceeding 2 square feet.
5. Safety, caution or no trespassing signs. Signs that are installed on the property for the purpose of indicating a safety, caution, or no trespassing, or other similar type message. Such signs shall not exceed two (2) square feet in size, and may be posted on the building, fence or structure on the property at eye level and may not serve any advertising purpose.

6. Memorial signs. Memorial signs erected by duly authorized public authorities and in compliance with provisions set forth in this Ordinance.
7. Utility company signs. Signs erected by utility companies not exceeding two (2) square feet, serving no advertising purpose.
8. Signs within enclosed buildings. Signs within enclosed buildings or structures which are so located that they are not intended to be visible from public or private streets or adjacent properties providing said signs do not pose a hazardous or health risk.
9. Temporary holiday and national event signage. Temporary holiday and national event signage provided said signage and decorations carry no advertising matter and further provided that such signage is not installed more than sixty (60) days for a single event and is removed within seven (7) days after the event ends.
10. Special event signs. Special event signs approved by the city for a city sponsored or approved special event.
11. Flags. Flags, subject to compliance with provisions set forth in this Ordinance.
12. Real estate signs. Real estate signs for residential uses, subject to compliance with provisions set forth in this Ordinance.
13. Political campaign signs. Political campaign signs, subject to compliance with provisions set forth in this Ordinance.
14. Banner signs. Banner signs, subject to compliance with provisions set forth herein. Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication, a grand opening, or a going out of business promotion are permitted without a sign permit. Such banners and decorative materials are not to be posted more than thirty (30) days preceding the event, and are to be removed within seven (7) days following the end of the event.
15. Inflatable/Balloon signs. Balloon signs, subject to compliance with provisions set forth in this Ordinance.
16. Spot/Search light signs. Spot light signs, subject to compliance with provisions set forth in this Ordinance.
17. Changeable copy signs. Changeable copy signs manual and automated, subject to compliance with the provisions set forth in this Ordinance.

18. Change of window sign copy. Change of window sign copy provided such copy is in compliance with the approved sign window plan and/or sign plan subject to compliance with provisions set forth in this Ordinance.

**Nonconforming Signs/Amortization**

Any lawful permanent sign installed, erected, prior to the adoption of this Ordinance that does not comply with the regulations set forth herein, shall be removed or altered to comply with the applicable regulations of this Ordinance within five (5) years of the date of adoption of this Ordinance.

A. Amortization of Non-conformities. Legally existing signs that become non-conforming as of the effective date of the adoption of this Ordinance shall maintain legally non-conforming status for a period of five (5) years, with exceptions as herein contained. At that time, all signs not in compliance shall become illegal signs. It shall be unlawful for any sign owner not to be in compliance with the following amortization provisions, with exceptions as herein contained:

1. Within two (2) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to prepare and submit to the City a proposed Sign Plan in accordance to regulations herein.
2. Within three (3) years of the effective date of this Ordinance, all owners of legally nonconforming signs are required to have an approved Sign Plan in compliance with this Ordinance.
3. Within five (5) years of the effective date of this Ordinance, all legally nonconforming signs and their supporting members shall be altered, and/or removed from the property.
4. The City may deny the issuance of any licenses, permits, certificates of occupancy, certificates of use, etc., to an owner if it is determined that the amortization Ordinance is not being complied with.

B. Amortization of Non-Conformities in Newly Annexed Areas. Legally existing signs in areas annexed by Opa-locka which become non-conforming as of the effective date of the adoption of this ordinance, shall maintain legally non-conforming status for a period of five (5) years from the date of annexation or from the date of subsequently adopted changes to the ordinance as provided, whichever time period is greater, with exceptions as herein contained. It shall be unlawful for any sign owner not to be in compliance with the following amortization provisions, with exceptions as herein contained:

1. Within two (2) years of the effective date of Annexation, unless superseded by a new Sign Ordinance, all owners of legally nonconforming signs are required to prepare and submit to the City a proposed Sign Plan in accordance to regulations herein.
2. Within three (3) years of the effective date of Annexation, unless superseded by a new Sign Ordinance, all owners of legally nonconforming signs are required to have an approved Sign Plan in compliance with this Ordinance.
3. Within five (5) years of the effective date of Annexation, unless superseded by a new Sign Ordinance, all legally nonconforming signs shall be altered and/or removed from the property.
4. The City may deny the issuance of any licenses, permits, certificates of occupancy, certificates of use, etc., to an owner if it is determined that the amortization Ordinance is not being complied with.

C. Exception for Monument Signs Along Collector Roads. Freestanding and monument signs that were lawfully existing prior to October 1, 2013 that do not comply with the regulations set forth herein, shall remain legally non-conforming signs subject to the following:

1. The total sign area and sign height does not exceed the maximum allowable amounts as may be permitted under the regulations set forth herein this Ordinance.
2. The sign shall be landscaped, repaired and maintained accordingly in compliance with regulations set forth in this Sign Code. All landscape requirements shall be met within five (5) years of the adoption of this Ordinance.
3. If the sign is relocated; moved; or altered at a cost greater than fifty percent (50%) of the assessed value of the sign; the legal non-conforming status shall be lost and the sign shall be in required to be in compliance with the regulations set forth herein this Ordinance.

D. Exception for Window Signs. Window signs shall be in compliance with the provisions set forth in this Ordinance as outlined in the amortization Ordinance below:

1. An owner of a window sign shall submit a window sign plan, consistent and in compliance with the provisions of

submitting a sign plan within ninety (90) days of adoption of this Ordinance.

2. Window signs shall be in compliance with the provisions of this Ordinance within one hundred eighty (180) days of the adoption of this Ordinance.

E. Exception for Temporary Signs. All legally existing temporary signs shall be in compliance with the provisions of this Ordinance within ninety (90) days of adoption of this Ordinance.

F. Exception for Billboards. This amortization period shall not apply to billboard (Class C in the Miami-Dade County Code) signs that were lawfully erected on the date of adoption of this code. These signs shall be permitted as legally nonconforming signs. Said signs shall be subject to below provisions regarding Maintenance and Repair of Nonconforming Signs.

G. Sign Plan Compliance. In addition to the amortization provisions herein, whenever a sign owner desires to replace, alter, relocate a sign on a property, and/or the repair and maintenance is not in compliance with regulations governing same as specified in this Ordinance herein, a Sign Plan in accordance with the provisions of this Ordinance shall be prepared and submitted. Upon approval of the sign plan under this compliance provision, only the applicable sign(s) shall be required to be brought into compliance. All other signs approved on the sign plan shall be brought into compliance in accordance to the amortization Ordinance specified herein.

H. Multi-tenant Sign Plan Compliance. When sign plan is required for multi-tenant development, and an individual sign owner(s) seeks a sign permit for any type of permanent sign, the property owner shall file a sign plan with the City in accordance to the provisions set forth in this Ordinance within sixty (60) days of sign permit being filed. Failure to file such sign plan within the prescribed time frame, shall be a violation of this Ordinance by the property owner. The City may review the individual sign permit(s) and issue a permit as warranted to individual sign owner(s), and shall require future sign permits on same property to be in compliance with the criteria set forth in this Ordinance herein for sign plan review, and subject to sign permits approved on the property.

I. Maintenance and Repair of Non-conforming Signs. Non-conforming signs shall be maintained in a safe condition and may be repaired and/or otherwise maintained provided the sign structure is not moved, altered or replaced; provided, that the cumulative costs of such repair and/or maintenance does not exceed fifty percent (50%) of the replacement

value of the sign. If so, the sign shall be made to be in compliance with the provisions set forth in this Ordinance. This provision shall apply to situations of necessary repair resulting from fire, flood, explosion, wind, war, riot, or any other an act of force majeure.

J. Memorial plaques, such as those of a non-advertising nature involving building identification signs and building cornerstones when cut or carved into a masonry surface or when made of a noncombustible material and made an integral part of the building or structure shall be exempt.

### **Signage Design Standards**

The following design standards shall be applied and complied within the design of all signs, unless specifically set forth differently in this Ordinance.

A. Monument Sign Dimensional Standards.

1. Sign Area Monument Signs.

a. In computing sign area, standard geometry formulas for common shapes shall be used. Common shapes shall include squares, rectangles, trapezoids and triangles. In the case of irregular shapes, the total sign area will be the area of the smallest common shape that encompasses the various components of the sign.

b. For monument signs, the support base above grade shall be deemed to be part of the sign.

c. Only one (1) face of a sign is used for the calculation, provided the two (2) sign faces are less than 30 degrees to each other and/or no more than one 1.5 feet exists between them. Where the sign faces are spaced greater than 1.5' apart and greater than 30 degrees then each face shall be calculated towards the permitted sign area.

2. Sign Spacing Monument Signs.

a. When measuring the spacing between monument signs the distance shall be measured in a straight line from the closest part of one sign structure to closest part on another sign structure or building or structure.

b. When measuring the spacing between signs on the different rights-of-way the measurement shall be taken



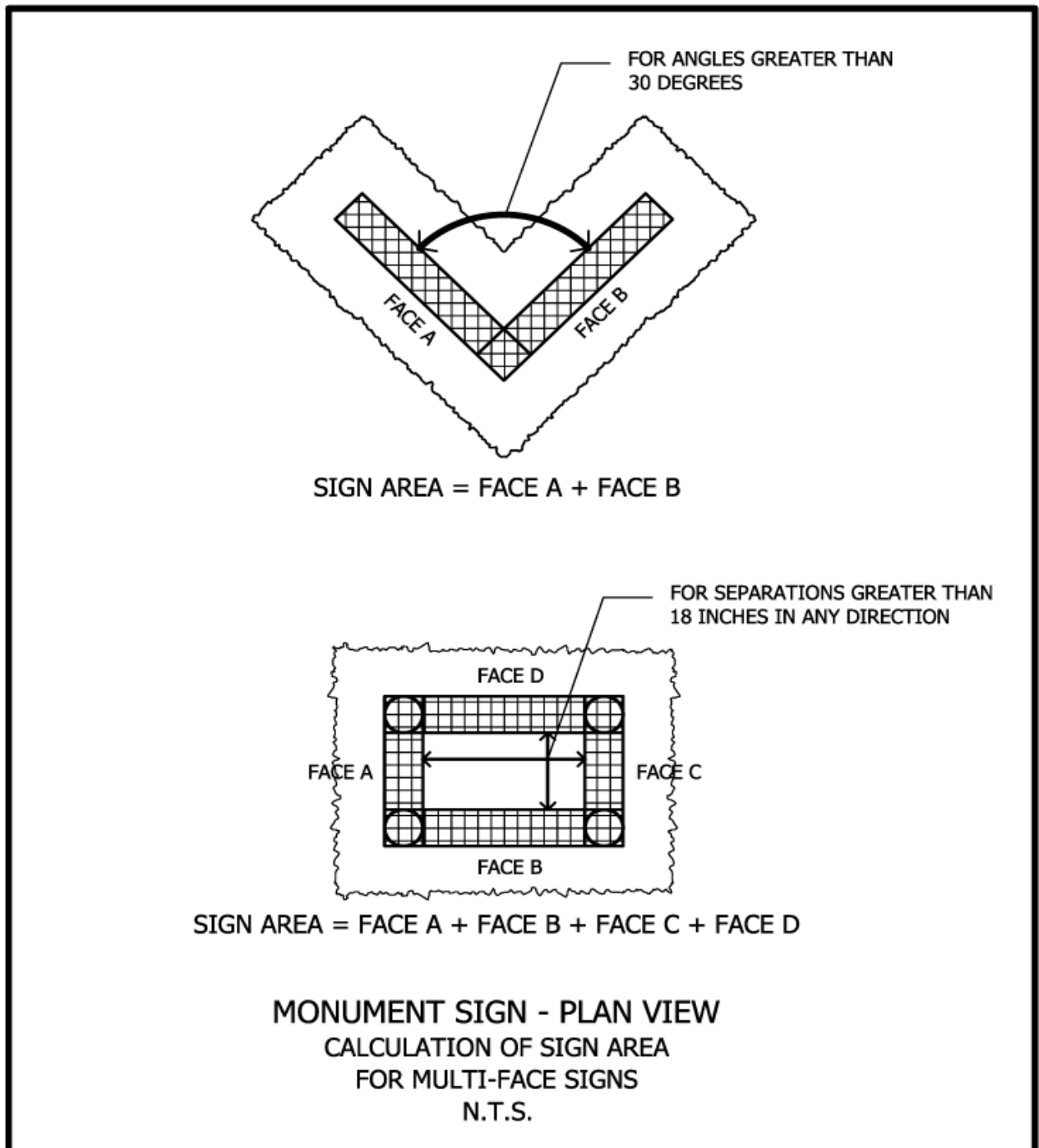
along the perimeter of the property line and/or then taken perpendicular to signs located across such rights-of-way.

- c. Spacing between signs and a building or structure shall be the shortest distance measured from the closest part of the sign structure to the closest part of the building façade.

3. Sign Height Monument Signs.

- a. When measuring the height of a monument sign the measurement shall be the vertical distance from the top of the grade to the top of the monument sign's highest component, including all structural components.

Figure o-1 – Sign Area for Multi-Face Signs



- b. Grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

B. Monument Sign Design Standards. The City seeks to achieve uniform and coordinated monument and freestanding signage within each development. Coordinated signage is created by consistency in the sign size, type, copy area, letters, location, color, and type of sign. In designing monument signs the following standards shall be complied with:

- 1. Design.
  - a. The monument sign shall be a freestanding sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign.
  - b. The base of supporting structure shall be embellished to conceal all structural or support members.
  - c. Eighty percent (80%) of the base supporting structure shall be in contact with the ground, but does not have to be a solid base. The base supporting structure may be designed as multiple bases provided that the overall base in contact with the ground shall be a minimum of eighty (80%) percent.
- 2. Architectural design.
  - a. Monument and other freestanding signs should incorporate architectural elements from the primary building. Architectural elements may include materials, textures, colors, shapes, ornamentation or other features characteristic of a style.
- 3. Landscaping.
  - a. A minimum of fifty (50) square feet of landscaping around the base of the sign should be provided, or an amount and type meeting the approval of the Director.

- b. Plant material shall be selected to complement and enhance the sign, and a hedge no less than two (2) feet in height shall be provided to buffer the base of the sign.
  - c. Such landscape should be permanently irrigated with an in-ground irrigation system or irrigated in a manner approved by the Director.
- 4. Illumination.
  - a. Monument signs may be illuminated internally or externally.
  - b. All internal illumination components shall be enclosed and shielded from view.
  - c. All external illumination components shall be shielded, buffered, and concealed as to not be visible from the adjacent rights-of-ways.
  - d. All illumination should be environmentally friendly and energy efficient, which should include, but is not limited to, the use of solar energy or other alternative sources of energy.
- 5. Setback.
  - a. Monument signs shall be setback from all property lines a minimum of seven (7) feet.
- 6. Spacing.
  - a. Monument signs shall be:
    - 1. Spaced a minimum of ten (10) feet from any building.
    - 2. Spaced a minimum of twenty five (25) feet from another monument sign.
- 7. Proportion.
  - a. Monument signs should be proportionate in height and width at a ratio of 1.0 to 1.5, in either orientation, however, the width shall not exceed ten feet (10).
- 8. Height.
  - a. Maximum height of monument signs shall be 15 ft unless otherwise provided for.
- 9. Location.

- a. Monument signs shall not be located in the sight distance triangle.
  - b. Shall not be located as to interfere with public alarms, signals, or signs.
  - c. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.
  - d. Monument signs shall be orientated to be between 45 degrees and 90 degrees to the abutting right-of-way.
10. Sign Copy Single Use Development.
- a. Sign copy for single use development shall be limited to the primary name of the business, trademarked logos and/or slogans, and street address number. All other copy shall be prohibited.
  - b. Copy should be identical on all faces of the sign.
11. Sign Copy Multi-use/Multi-tenant Development.
- a. Sign copy for multi-use/multi-tenant/mix-use development shall be limited to one (1) primary name of the business or complex or shopping center, and may list individual uses and tenants.
  - b. Copy may include the business name, registered trademarks, logos and/or slogans. One street address number per sign. All other copy is prohibited.
  - c. Copy should be identical on all faces of the sign.
12. Changeable Copy Sign Manual Standards. Monument signs with changeable copy shall be permitted subject to compliance to the following standards:
- a. The manual changeable copy portion of the sign shall be integrated into the design of the sign. Such changeable copy portions of the sign shall not be an “add-on” but rather must be fully integrated into the sign.
  - b. The manual changeable copy area shall not exceed thirty (30) percent of the total sign area.

- c. Changeable copy shall be limited to advertising events, items and pricing, announcements, specials, slogans directly related to the sign owner. All other copy shall be prohibited. The changing of copy on such signs shall not require a sign permit.
  - d. Manual changeable copy shall not change more than once a day.
  - e. Changeable copy shall only be permitted on monument signs. Changeable copy on wall signs, window signs or any other sign, are prohibited.
13. Automatic Changeable Copy Signs Standards. Monument signs with automatic changeable copy shall be permitted subject to compliance to the following standards:
- a. The automatic changeable copy area portion of the sign shall be integrated into the design of the monument sign. Such changeable copy portions of the sign shall not be an “add-on” but rather must be fully integrated into the sign design.
  - b. Automated changeable copy area shall not exceed thirty (30) percent of the total sign area permitted for the monument signs.
  - c. A maximum of one (1) monument sign with automatic changeable copy per property/development shall be permitted.
  - d. Automatic changeable copy on monument signs shall only be permitted on properties/developments with a minimum lot frontage of two hundred (200) lineal feet on an arterial and collector roadway as defined herein.
  - e. The minimum distance between monument signs with automatic changeable copy shall be five hundred (500) feet.
  - f. Incandescent lamps/bulbs in excess of 9 watts are prohibited in an automatic changeable copy sign. Incandescent lamps/bulbs shall not be exposed but shall be covered by translucent lenses or filters. The automatic changeable copy portion of the sign shall be equipped with an automatic operational night dimming device.
  - g. The following operating modes shall be prohibited:

1. Flash: The condition created by displaying the same message intermittently by turning it on and off, on and off, with rapidity, or any other delivery mode that creates a flashing effect.
  2. Zoom: The look or condition created by expanding a message from a central point to its full size.
  3. Stop or danger: Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs.
  4. Any color combination of revolving or flashing light giving the impression of a police, fire, or caution light shall be prohibited.
- h. Automated changeable copy shall be limited to advertising events, items and pricing, announcements, specials, slogans directly related to the sign's owner. All other copy shall be prohibited. The changing of copy on such signs shall not require a sign permit.
  - i. Prior to the installation and use, all owners of monument signs with automatic changeable copy shall file and record a declaration of use, meeting the approval of the Director, on a form prescribed and approved by the Director, which will govern the operation of the changeable copy and contain penalties for abatement and removal of the sign for violations of the declaration of use and the provisions herein.
  - j. Automatic changeable copy shall only be permitted on monument signs. Automatic changeable copy on wall signs, window signs or any other sign, are prohibited.
- C. Wall Sign Dimensional Standards.
1. Sign area wall signs.
    - a. In calculating the area of wall signs, or window signs, individual words or components (i.e. logos, trademarks, slogans, major products, services, etc), may be considered separate signs only if they are obviously disassociated from other copy. When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute sign area.

The total area of components and copy shall be used to determine the total wall sign or window sign area.

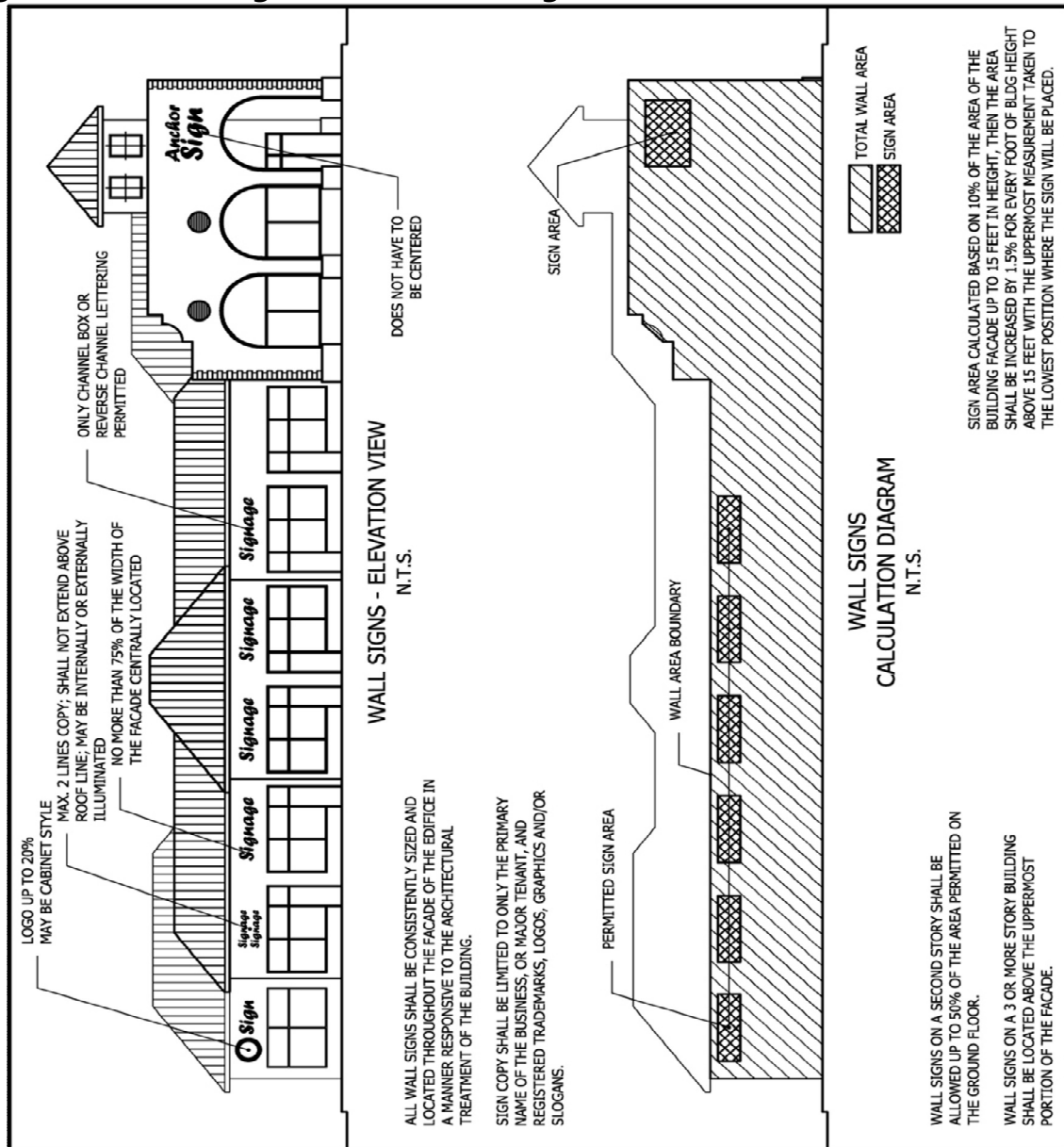
- b. When calculating the permitted square feet of the wall sign area, it shall be calculated based on ten percent (10%) of the area of the building façade up to fifteen (15) feet in height, then the area shall be increased by one and half percent (1.5%) for each foot of building height above the fifteen (15) feet with the uppermost measurement taken to the lowest part or position where the sign will be placed.
- c. The building façade used towards the calculation shall only be the façade the sign is proposed to be affixed.

D. Wall Sign Design Standards. The City seeks to achieve uniform and coordinated signage within each development. Coordinated wall signage is created by consistency in the sign size, type, copy area, letters, location, color, and type of sign. In designing wall signs the following standards shall be complied with (Figure 0-2 – Wall Sign Calculations Diagram).

- 1. Design. Wall signs shall only be of channel lettering and reverse channel lettering type and design, and cabinet signs shall only be permitted up to a maximum of twenty percent (20%) of the total wall sign area and cabinet signs shall only be used to display copy of registered trademarks, logos, and/or slogans. Non Illuminated signs shall be permitted on Non-PAMA, Collector Corridors and certain other ROW after review and approval by the city manager or designee
- 2. Multiple Signs. Where multiple wall signs with the same sign copy are to be placed on different building facades for the same sign owner/tenant/business each wall sign should be identical in design, save and except the applicable maximum permitted sign area may be different, and location of placement may be different.



### Figure o-2 – Wall Sign Calculations Diagram



### 3. Channel Lettering Signs.

- (a) Channel lettering shall be located as to be centered on the building façade, or the proportionate share of the façade, it is affixed to.
- (b) Anchor stores are not required to have the channel letter signs centered on the building façade.

- (c) Copy should be of all the same font type, however, lettering size and type, colors, trademarked logos and slogans, common to the business may be used.
  - (d) Non illuminated signs shall be permitted on Non-PAMA, Collector Corridors and certain other Right-of-Ways (ROW) subject to zoning approval by the City Manager or designee and also must be in compliance with the standards for channel lettering wall signs.
- 4. Cabinet signs.
  - (a) If cabinet signs are used to display registered trademarks, logos, and/or slogans, the cabinet sign shall be integrated as intended to be viewed as one wall sign.
  - (b) A cabinet sign up to twenty percent (20%) of the permitted wall sign area may be used to display a registered trademark, logo, or slogan on a building façade, without the permitted channel lettering.
- 5. Location.
  - (a) No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case, such sign may not extend above the top edge of the parapet.
  - (b) Wall signs shall not be allowed on a building façade abutting a single family zoned or developed property.
  - (c) Wall signs shall be located as to not interfere with public alarms, signals, or signs. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.
- 6. Proportion. Wall signs shall not extend beyond 75% of the width of the building façade or the tenant's proportionate share of the building façade.
- 7. Projection. Wall signs shall not project more than twelve (12) inches from the building surface where it is affixed.
- 8. Sign Copy.
  - (a) Sign copy for wall signs shall be limited to only the primary name of the business, major service and brands, or major tenant, and registered trademarks, logos, graphics and/or slogans, directories. All other copy shall be prohibited.
  - (b) Wall signs shall not contain more than three (3) lines of copy; when a third line is used, one of the three (3) lines shall not be greater than fifty percent (50%) the height of the line with the greatest line height.

9. Proportion. Wall signs shall not extend beyond 75% of the width of the building façade or the tenant's proportionate share of the building façade.
10. Projection. Wall signs shall not project more than twelve (12) inches from the building surface where it is affixed.
11. **Sign Copy.**
  - (a) Sign copy for wall signs shall be limited to only the primary name of the business, major service and brands, or major tenant, and registered trademarks, logos, graphics and/or slogans, directories, All other copy shall be prohibited.
  - (b) Wall signs shall not contain more than three (3) lines of copy; when a third line is used, one of the three (3) lines shall not be greater than fifty percent (50%) the height of the line with the greatest line height.

**E. Directional/Information Sign Design Standards.** Directional/informational signs are for the purpose of providing information and directions on-site to the general public, and are not intended for advertising purposes. In designing directional and information signage the following standards shall be complied with:

1. **Design.** Directional/Informational signs may be freestanding mounted on a pole type or monument type structure or of a type intended to be affixed flush to or perpendicular to a wall.
2. **Size.** Directional/Informational sign shall not exceed two (2) square feet in size. Except that along collector and all other rights of way, directional/information signs shall not exceed eight (8) square feet in size.
3. **Number.** The number of directional/information signs shall be limited to what may be deemed necessary and adequate to provide the directions and the information being conveyed as may be approved by a sign plan permit.
4. **Setback.** Freestanding directional/Informational signs for traffic control, or to indicate "entrance" and "exit" shall be setback a minimum of five (5) feet from any property line.
5. **Spacing.** Freestanding Directional/informational signs shall be spaced a minimum of ten (10) feet from each other.
6. **Height.**
  - (a) Freestanding directional/information signs shall not exceed thirty 30 inches in height, measured from the base of the sign to the uppermost point.
  - (b) Wall mounted directional/informational signs may be mounted at eye level as to be visible to the general public and not intended to be visible from the right-of-way. Except that along Collector and other Rights of Way, such signs may be wall mounted as to provide adequate visibility and directions as deemed necessary and as may be approved by a sign plan permit.

- (c) If suspended from a ceiling or structure minimum clearance shall be 9.0 feet from grade, or if over a vehicle driveway, travel lane minimum clearance shall be 14.0 feet from grade.

**7. Location.**

- (a) Directional/information signs may be located within the sight distance triangle providing the sign is not greater than 30 inches in height.
- (b) Wall mounted directional/informational signs may be mounted on walls, fences, or suspended from a ceiling or structure.
- (c) Wall mounted or suspended signs may be parallel or perpendicular to the building wall.
- (d) Notwithstanding compliance with these standards, no directional or informational sign may be located on the property as to pose or create a hazardous or health safety concern.

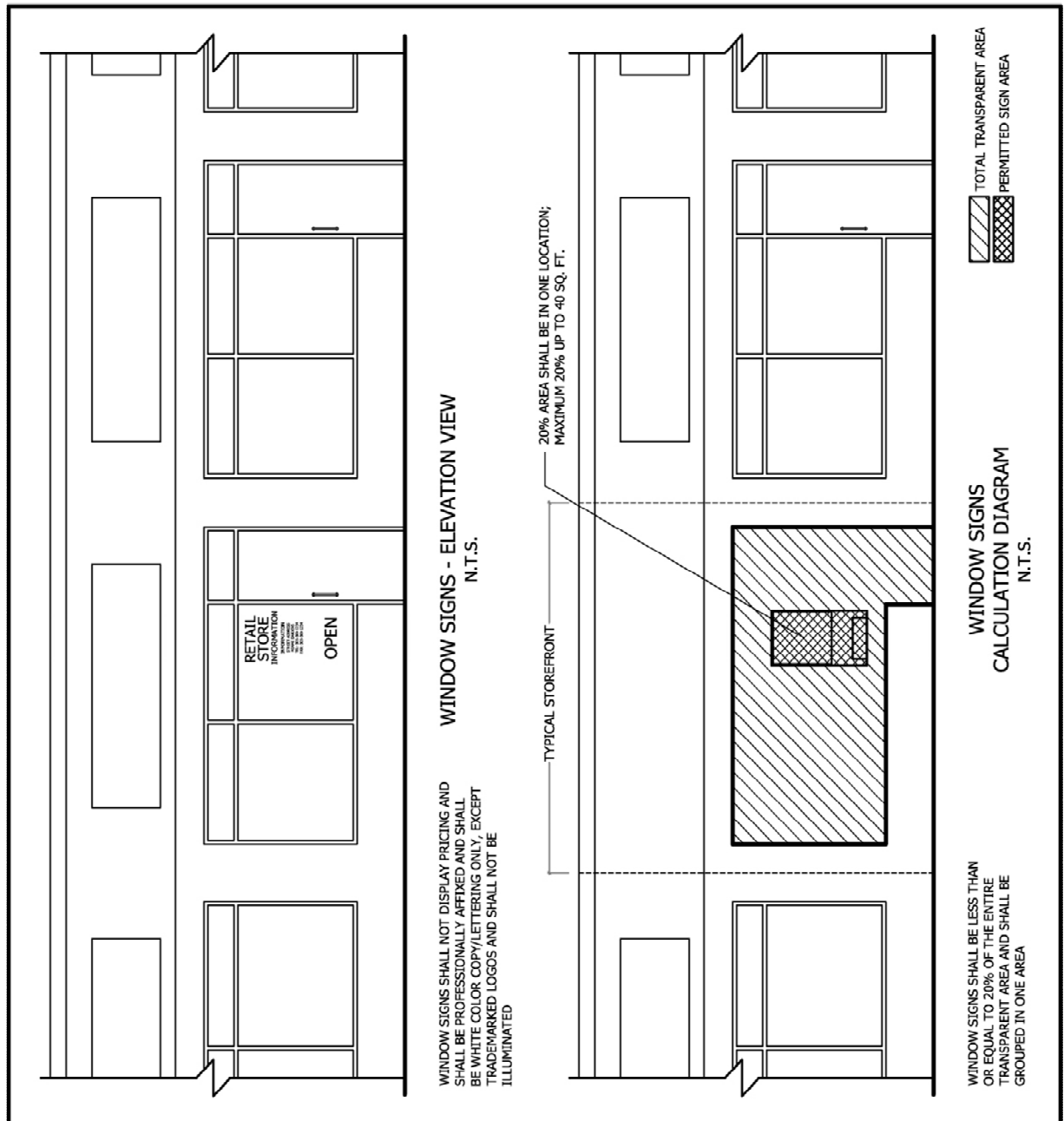
**8. Illumination.** Directional/Informational signs may be illuminated internally or externally. If illuminated externally all components providing illumination shall be adequately screened or recessed as to be no visible from the rights-of-way.

**9. Copy.** Directional/Informational signs shall only provide copy necessary to provide adequate direction or information of which it is intended, and shall not provide any advertising copy other than the name, logo of any tenant/owner/occupant of the property.

**F. Window Sign Standards.** Window signs are intended to provide secondary signage to allow for the day to day advertising and promotion of the business and/or services, but not distract from the overall architectural design/features/character of the building. For the purposes of this section a Window Sign shall be those signs which are affixed to the window, as noted in Figure 0-3. In designing window signs the following standards shall be complied with (Figure 0-3 – Window Sign Calculation Diagram):

- 1. Design.** Window signs shall be professionally installed and/or professionally framed and may be affixed to or displayed within the window area. Hand written copy shall only be used with white boards or chalk boards. One (1) illuminated or neon window sign shall be permitted subject to the sign area regulations herein. Automatic changeable copy signs are prohibited as window signs.

Figure 0-3 – Window Sign Calculation Diagram



**2. Area.**

- (a) For window signs located on the first or ground floor, the total area of all signs affixed or displayed in the window shall not exceed twenty (20) percent of the window area up to a maximum of forty (40) square feet.
- (b) For window signs located on the second floor or above the ground floor, the total area of all signs affixed or displayed in the window shall not exceed ten (10) percent of the window area up to a maximum of twenty (20) square feet.
- (c) In calculating the total permitted window sign area only windows and doors facing a right-of-way and/or windows on the main entrance of the building, and only those windows that are on the ground floor shall be used for the calculation. Perimeter borders, stripes and bonding are permitted but will count towards the calculation of window sign area.
- (d) Window Sign Area shall not be counted towards the maximum wall sign area allowed. Temporary real estate signs as may be permitted herein shall not be counted towards the overall maximum sign area permitted.
- (e) Illuminated or neon window signs shall be limited to a maximum size of eight (8) square feet. Illuminated or neon sign areas shall count towards the maximum sign area allowed.

**3. Location.**

- (a) Window signs shall only be permitted on windows or doors located on the first or ground floor and located on the second floor, and on windows and doors on the façade facing a public right-of-way or commonly used as the main entrance to the premises.
- (b) Window signs shall not be permitted on windows above the ground in multi-story buildings.
- (c) All window signs shall be located within the same 20% area as depicted on the approved window sign plan.

**4. Copy.**

- (a) Window sign copy may include business name, logos graphics, and slogans, primary products and services, emblems of professional and financial affiliations, hours of operation, and other similar signage.

**G. Display of merchandise.** Display of merchandise in the window area, provided that it does not press up against the window, shall not count towards the twenty (20) percent for the size of a window sign, and shall be permitted as long as it is kept in a neat and orderly fashion.

**H. Entrance Feature Signs.** Entrance feature signs shall be permitted on all residential developments, and mix-use developments subject to compliance to the following standards:

- 1. Number.** One (1) entrance feature monument sign or two (2) entrance feature wall signs.

2. **Sign Area.**
    - (a) A maximum entrance feature sign area of up to twenty four (24) square feet for developments with less than one hundred (100) linear feet of lot frontage on a right-of-way.
    - (b) Up to a maximum of sixty four (64) square feet for developments with one hundred (100) lineal feet or greater of lot frontage on a right-of-way. If two wall signs are used, the total area of both wall signs shall not exceed the maximum area permitted.
  3. **Height.**
    - (a) The maximum height of the monument sign shall be six (6) feet measured from grade to the uppermost portion of the monument sign. In the event the grade at the base of the sign is bermed the measurement shall be taken from the grade at the closest right-of-way line to the uppermost point of the sign.
    - (b) Maximum height of a wall sign shall be six (6) feet measured from grade to the uppermost portion of the wall sign.
  4. **Separation.**
    - (a) Entrance feature monument signs shall be separated from each other by a minimum of two hundred (200) feet and from other freestanding signs by at least fifty (50) feet.
    - (b) Entrance feature wall signs shall be separated by a minimum of twenty five (25) feet of other wall signs.
  5. **Setback.** Entrance feature monument signs shall setback a minimum of seven (7) feet from a right-of-way line.
  6. **Location.**
    - (a) Entrance feature monument signs may be located within twenty five (25) feet of the entranceway, and shall not be located in the sight visibility triangle.
    - (b) Entrance feature wall signs may be affixed to the perimeter wall/fence/guardhouse of the development, and must be within twenty five (25) of the entranceway.
  7. **Copy.**
    - (a) Copy on entrance feature signs shall be limited to the name of the development, developer's name and address street number.
    - (b) Sign copy shall be limited to no more than two (2) lines of text.
- I. **Directory Signs.** Directory signs shall be permitted subject to compliance to the following standards:
1. **Number.** One (1) directory sign shall be permitted for each multi-use/multi-tenant building on the property.
  2. **Size.** Directory signs shall be limited to three (3) square feet in size, and lettering shall not exceed a maximum of three (3) inches in height.
  3. **Copy.** Copy shall be limited to the names of tenants and businesses, and suite or address number. All other copy shall be prohibited.
  4. **Location.** Directory signs may be freestanding or affixed to the building façade, and shall be setback at least twenty five (25) feet from a public right-of-way.

- J. Flags.** Flags shall be permitted subject to compliance with all the following standards and compliance with the United States Flag Code (36 U.S.C. 173-178) which is hereby adopted and made part of this section by reference as if it were set forth herein. Violations of the United States Flag Code shall be civil in nature. For the purposes of this Sign Code, applicability of regulations regarding flags will be on a per Master Site Plan basis, regardless of the amount of parcels which compose the Master Site Plan.
- 1.** For non-residential, multi-family residential, commercial and industrial, and/or mixed-use development.
    - (a) **Number.** A maximum of one (1) flag pole per property shall be permitted on properties with lot frontages of one hundred (100) feet or less; a maximum of two (2) flag poles for properties with lot frontages greater than one hundred (100) feet up to two hundred (200) feet; and a maximum of three (3) flag poles for properties with lot frontages of greater than two hundred (200) feet. No more than three (3) flags shall be flown on one (1) pole, with a maximum of up to three (3) flags per property or development.
    - (b) **Size.** Maximum flag size shall be forty (40) square feet. The width of the flag shall not be more than thirty (30) percent of the length of the pole to which it is attached.
    - (c) **Height.** Maximum pole height shall be thirty (35) feet or not more than ten (10) feet above the roof line of primary building, whichever is less.
    - (d) **Location.** All flags shall be flown on a ground mounted pole designed and constructed as a flag pole, or affixed to a pole affixed to a building. The pole shall be ground mounted and constructed according to the Florida Building Code. If affixed to a building, the pole shall be no longer than 10 feet in length. No rooftop flags are permitted.
    - (e) **Spacing.** Multiple flag poles shall be grouped. They shall be located a maximum of ten (10) feet from one another.
    - (f) **Setback.** Flag poles shall have a minimum ten (10) foot setback from all property lines.
    - (g) **Copy.** Only flags with copy that has been professionally printed shall be allowed. Flag copy must be of a non-advertising nature.
    - (h) **Maintenance.** Flags and flag poles shall be maintained in good condition as to not be flailed or weathered.
  - 2.** For single family residential uses, duplexes, townhouses, and other residential uses.
    - (a) **Number.** A maximum of one (1) flag shall be permitted per property.
    - (b) **Size.** Maximum size of the flag shall be limited to twenty four (24) square feet.
    - (c) **Height.** Flag poles shall be limited to no greater than five (5) feet above height of the residence or up to thirty five (35) feet, whichever is less.



- (d) Location. All flags shall be flown on a flag pole either ground mounted or on a pole affixed to a wall. Flags may only be located in the front yard or rear yard only.
  - (e) Setback. Flag poles shall setback a minimum of ten (10) feet from front property lines and five (5) feet from all other property lines.
  - (f) Copy. Only flags with copy that has been professionally printed shall be allowed. Flag copy must be of a non-advertising nature.
  - (g) Maintenance. Flags and flag poles shall be maintained in good condition as to not be flailed or weathered.
3. Flags In Mass Prohibited. The flags permitted by this subsection shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.

**K. Memorial Signs.** Memorial signs shall be permitted on all non-residential, mixed-use, and residential developments subject to compliance to the following standards:

- 1. Number. One (1) memorial sign per property.
- 2. Area. Memorial signs monument or wall type shall not exceed one (1) square foot in size. Area of the foundation and/or base of a monument type memorial signs shall not be calculated towards the permitted area of the sign.
- 3. Location. Wall type memorial signs may be located on the building façade but not at a height greater than six (6) feet, and located a minimum of five (5) feet from any other sign. Monument type memorial signs may be located on a base or foundation not exceeding thirty (30) inches in height, and spaced a minimum of five (5) from other signs on the property.

**L. Gasoline Service Stations.** Due to the unique retail service of gasoline service stations, in addition to all the standards set forth herein, the following standards shall also be permitted subject to compliance to the following standards:

- 1. Wall sign. In lieu of locating a wall sign on the building façade, a wall sign may be affixed to the canopy façade.
- 2. Monument sign. In the event the permitted changeable copy of up to 30% of the monument sign cannot accommodate the pricing regulations required by law, the changeable copy may be increased the minimum amount for compliance.
- 3. Size. Wall sign on canopies shall be limited to up forty (40%) percent of the area calculated as permitted for the building facade. Color schemes unique to the registered brand shall not be included in calculating the permitted wall sign area.
- 4. Gasoline Pumps. Signage on gasoline pumps may include customary and required informational signage including but not limited to information and data required by law, price, and credit card logos. Up to a total of four (4) square feet of logos and brand identity signage shall be permitted to be located on each gasoline pump. Signs, other than required by law, located on top of pumps shall be prohibited.

5. Prohibited. Banners, either on or otherwise mounted/placed on/with or connected to pumps shall be prohibited.

**M. Theaters, Playhouses, and Other Similar Cultural or Civic Establishments.**

Due to the changing nature and number of events or showings theaters, playhouses, and other culturally orientated establishments may be permitted an additional changeable copy signage. In addition, to standards set forth in this Ordinance, the following standards shall be permitted subject to compliance to the following:

1. Number. Theaters, playhouses and other culturally orientated establishments shall be permitted up to three (3) changeable copy signs. An additional and optional changeable display for ticket pricing shall be allowed if the ticket office can be accessed directly from a sidewalk right-of-way, and must be adjacent to or above the ticket office window.
2. Sign Area.
  - (a) Changeable copy area shall be limited to up to seventy five (75) square feet. Multiple screen theaters may be permitted additional changeable copy not to exceed twenty-five (25) square feet per additional screen greater than three (3), but not to exceed a total sign square footage of two hundred (200) square feet of sign area. Total area shall include the area of the changeable copy and the area of any poster display boxes or frames.
  - (b) Box office changeable copy sign area shall not exceed the size of the ticket box window with which it is associated.
3. Wall Sign. The changeable copy sign may be a cabinet wall sign allowing for interchangeable copy, but shall only be affixed to the front building façade, or façade of the main entrance.
4. Display Box. Posters and other advertisements shall be only affixed within a professionally constructed display box or frame. Display boxes shall not exceed standard poster sizes.
5. Marquees. For the purpose of counting signs, each face of a marquee shall count as a sign. Marquee signs must be fifteen (15) feet from right-of way, and at least five (5) feet from interior side property line. Maximum height is thirty (30) feet from the average grade of the right of way to the top of the sign.
6. Copy. Changeable sign copy shall be limited to the title of the performance and the MPAA rating. Display box copy shall be limited to posters.

- N. Drive-Thru Menu Board Signs.** Due to the unique retail service that restaurants operating drive through lanes provide and the necessity for efficient and effective service and the need for additional signage with changeable copy to service their customers, restaurants with drive through lanes, in addition to signage that may be permitted with compliance with standards in this Ordinance herein, shall be permitted additional signage subject to compliance to the following standards:

1. Number. Two (2) menu board signs shall be permitted per drive through lane. Drive through signs may be freestanding or affixed to a wall or one of each.
  2. Size. Each drive through menu sign shall not exceed twenty (20) square feet in area. Lettering used in the copy shall not exceed six (6) inches in height.
  3. Spacing. Each drive through menu sign shall be spaced at minimum of ten feet (10) from each other, and from other freestanding signs on the property.
  4. Height. Freestanding and signs affixed to a wall shall be not exceed six (6) feet in height.
  5. Location. Drive through menu signs shall be located as to be visible for the drive through lane and not intentionally orientated to be visible for rights-of-way, or drive aisles of the development.  
Copy. Copy shall be limited to the menu items, pricing, specials, and graphics/pictures typical of restaurant menus. Menu board signs may be all changeable copy. All other copy shall be prohibited.
- 0. Public Art.** Mural signs located within the City of Opa-Locka shall be permitted, subject to the following conditions:
1. Compliance with Zoning Regulations. Mural signs shall be subject to zoning rules in determination of permitted uses.
    - (a) Murals and other forms of Public Arts with no advertising materials shall be subject to oversight by Public Arts Ordinances adopted by the City of Opa-Locka and to compliance with provisions set forth in this Ordinance.
    - (b) The City Commission or a designated arts commission. Determination of adherence to Public Arts ordinances for Mural signs of a non-advertising nature shall fall under the jurisdiction by the City Commission or a designated arts commission.
  2. Mural advertising signs are expressively prohibited.
  3. Murals shall only be placed on blank walls.
  4. A mural sign shall be permitted to cover the entire blank portion of a wall of a building.
  5. Illumination of mural signs shall be limited to the hours of 6 pm to midnight.

**Signage Along Principal Arterial and Minor Arterial Corridors (PAMA)**

The signs permitted on property is determined by the property's location on the City's rights-of-way as defined on the City of Opa-locka Roadway Classification Map, and determined by the type of use of the property. In addition to applicable criteria and design standards set forth in this Ordinance, the following signs standards shall be

applicable in Principal and Minor Arterial Corridors, as set forth below. Where overlaps occur with Districts, the Corridor, and PAMA in Ordinance standards, the stricter ordinance standards shall apply.

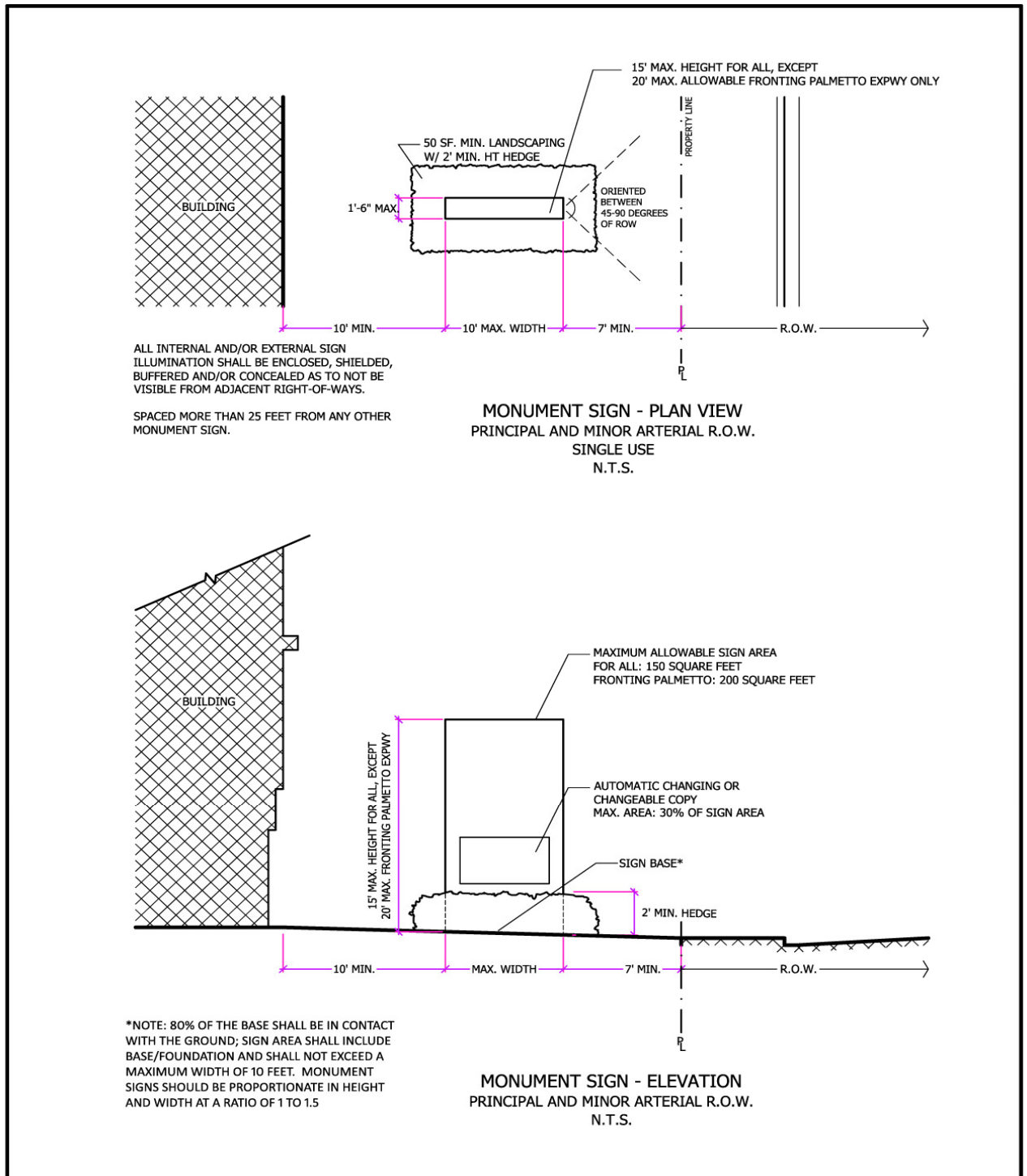
- 1) **Monument Signs (PAMA).** Monument signs on properties with frontage on a principal arterial or minor arterial right-of-way (Figure 0-4 – Monument Signs on PAMA) shall conform to the following standards where applicable:

1. Number.
  - (a) One (1) monument sign on properties with a minimum linear lot frontage of fifty (50) or more feet on a public right-of-way.
  - (b) Monument signs are not permitted on properties with less than 50 linear feet of lot frontage on a right-of-way.
  - (c) A second monument sign may be allowed if the property has two (2) lot frontages of fifty (50) linear feet or more on a right-of-way or if the property has five hundred (500) feet or more of linear lot frontage on one right-of-way. In any event, a maximum of two (2) signs shall be permitted.
2. Sign area.
  - (a) Forty (40) square feet for the first fifty (50) feet of lot frontage on a street, plus 0.75 square feet for each additional foot of lot frontage, up to a maximum of one hundred fifty (150) square feet total for one (1) sign.
  - (b) Where two (2) signs may be permitted each sign shall not exceed one hundred fifty (150) square feet, for total of three hundred (300) square feet.
3. Sign Height. Fifteen (15) feet..

- 2) **Wall Signs (PAMA).** Wall signs on properties with frontage on a principal arterial or minor arterial right-of-way shall conform to the following standards where applicable:

1. Number.
  - (a) One (1) wall sign per building façade with frontage on a right-of-way, up to a maximum of two (2) wall signs. In lieu of a wall sign on the building façade with frontage on a right-of-way one (1) wall sign may be located on the building façade if such building facade faces into the parking area and is not abutting single family residentially developed property.
  - (b) If permitted a second wall sign, the second sign shall be identical copy, color, illumination method and method of construction. Each sign's size will be determined independently based on the façade frontage.
  - (c) All buildings that have access from an alley or drive aisle may have one (1) non-illuminated identity sign, located on the rear door of the building not to exceed three (3) square feet in sign area, and not located higher than eight (8) feet above grade.

Figure 0-4 – Monument Signs on PAMA



2. Size.
  - (a) The total area of the wall sign shall not exceed ten percent (10%) of the building façade with frontage on a right-of-way for the first fifteen (15) feet in height of the building, then the area may be increased by 1.5 percent for each foot of building height measured from the base of the building above grade to the bottom of where the sign is located, up to a maximum of two hundred (200) square feet for buildings with up to one hundred (100) feet of building façade with frontage on a right-of-way.
  - (b) Up to four hundred (400) square feet for buildings with more than one hundred (100) feet of building façade with frontage on a right-of-way.
- 3) **Window Signs (PAMA).** Window signs on properties with frontage on a principal arterial or minor arterial right-of-way shall follow the standards, where applicable, in accordance with Window Sign design standards as set forth in this Ordinance.
- 4) **Multi-Use/Multi-Tenant/Mix-Use Development (PAMA).** In addition to the monument design standards, multi-use/multi-tenant/mixed-use developments along Principal and Minor Arterials shall comply with the following standards where applicable:
  1. Number.
    - (a) For one (1) and two (2) story buildings one (1) wall sign per tenant's/use proportionate share of building façade with frontage on a right-of-way, as well as one (1) additional wall type sign located at the rear or side of a building façade if such building facade faces into the parking area and is not abutting single family residentially developed property.
    - (b) Tenants/uses that have two (2) facades fronting a right-of-way may have two (2) wall signs. The second sign shall be identical copy, color, illumination method and method of construction. Each sign's size will be determined independently based on the proportionate share of frontage of the façade for each tenant/use.
    - (c) For buildings with three (3) or more stories one (1) wall sign per building façade with frontage facing a right-of-way, up to a maximum of two (2) wall signs. In lieu of a wall sign on the building façade with frontage on a right-of-way, one (1) wall sign may be located on the building façade that faces into the parking area, provided that such sign is not abutting single family residences or single family residentially zoned property. The second sign shall be identical copy, color, illumination method and method of construction. Each sign's size will be determined independently based on the façade frontage.
    - (d) Wall signs located on second story building facades shall be permitted up to 50% of the sign area as would be permitted on the ground floor building façade.

- 5) **Directory Signs (PAMA).** Directory signs shall comply with the design standards set forth in the other sections of this Ordinance.

### **XII Signage Along Collector Roads**

Signage on properties with frontage rights-of-way other than arterial right-of-ways (Figure 0-5 – Monument Signs) shall conform to the following standards where applicable. Where overlaps occur with Districts, PAMA, and the collector roads provisions of this section in Ordinance standards, the stricter ordinance standards shall apply.

#### **A. Monument Signs Collector Roads.**

1. **Number.** One (1) monument sign on properties with a minimum linear lot frontage of fifty (50) or more feet on a public right-of-way. Monument signs are not permitted on properties with less than 50 linear feet of lot frontage on a right-of-way.
2. **Sign Area.** Twenty four (24) square feet for first fifty (50) feet of lot frontage on a street, plus 0.5 square feet for each additional foot of frontage, up to a maximum of fifty four (54) square feet.
3. **Multi-Use/Multi-Tenant Development.** A second freestanding sign may be allowed if the site has more than five hundred (500) feet of street frontage. The maximum size of each sign shall be 54 square feet for a total of 108 square feet.
4. **Height.** Six (6) feet maximum.

#### **B. Wall Signs Collector Roads.**

1. **Design Standards.** In designing wall signs the following standards shall be complied with:
  - (a) **Design.** Wall signs shall be comprised of channel lettering and reverse channel lettering type and design, cabinet signs. Other wall types of wall signs may be permitted in accordance with an approved sign plan, so long as they are consistent with the sign plan.
  - (b) **Multiple Signs.** Where multiple wall signs with the same sign copy are to be placed on different building facades for the same sign owner/tenant/business, each wall sign should be identical in design, save and except the applicable maximum permitted sign area may be different, and location of placement may be different.
  - (c) **Cabinet signs and other type signs.**  
If cabinet signs or other type of signs are used to display registered trademarks, logos, slogans, the sign shall be integrated as intended to be viewed as one wall sign.

(d) **Location.**

No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case, such sign may not extend above the top edge of the parapet.

Wall signs shall not be allowed on a building façade abutting a single family zoned or developed property.

Wall signs shall be located as to not interfere with public alarms, signals, or signs. No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.

2. **Number.**

(a) One (1) wall sign per building façade with frontage on a right-of-way, up to a maximum of two (2) wall signs. In lieu of a wall sign on the building façade with frontage on a right-of-way one (1) wall sign may be located on the building façade if such building facade faces into the parking area and is not abutting single family residentially developed property.

(b) If a second wall sign is permitted, the second sign shall be identical copy, color, illumination method and method of construction to the first sign. Each sign's size will be determined independently based on the façade frontage.

3. **Size.**

(a) The total area of the wall sign shall not exceed ten percent (10%) of the building façade with frontage on a right-of-way for the first fifteen (15) feet in height of the building, then the area may be increased by 1.5 percent for each foot of building height measured to the bottom of where the sign is located, up to a maximum of two hundred (200) square feet for buildings with up to one hundred (100) feet of building façade with frontage on a right-of-way.

(b) Up to four hundred (400) square feet for buildings with more than one hundred (100) feet of building façade with frontage on a right-of-way.

C. **Window Signs Collector Roads.** Window signs shall comply with the design standards set forth in the other sections of this Ordinance.

**XIII. SIGNAGE IN HISTORICAL DISTRICTS AND/OR FOR HISTORICAL BUILDINGS**

- a. Signage on historical building and/or in designated historical districts, if applicable, shall follow other sign standards as denoted in this ordinance, with the following exceptions: Font and Color. Content of the signage



shall be restricted in font and color style to those appropriate to the architectural features of the building.

- b. Size. The size of the signage shall be restricted so as to not detract from the architectural or historic aspects of the building.
- c. Determination. Determination of compliance of the above shall be determined via certification by the City's Board of Architects.
- d. City of Opa-Locka Moorish Architecture Motif. Signage of buildings designated as Arabian Motifs shall follow the approval procedures outlined in Section 6-14 (City of Opa-Locka Arabian Motif Architectural Regulations).

**XIV. Signage in the Transit Oriented Development (TOD) District**

Signage in the Transit Oriented Development District shall comply with standards set forth in this Ordinance. Permissible uses of these signs shall be subject to regulations in this Ordinance as well as the zoning code for the Transit Oriented Development District.

- A. Sandwich signs shall only be permitted in a Transit Oriented Development Zone, subject the following conditions:
  - a. Signs must be related to a food service establishment, and shall be placed within 2 feet of the entrance of the establishment advertised on the sign
  - b. Sign shall be immediately adjacent to the building, and not placed as to cause an obstruction in the middle of the sidewalk right-of-way.
  - c. Signs shall be no more than 2.5 feet in width
  - d. Signs may only be placed in areas where the sidewalk right-of-way is at least 10 ft. in width.

**XV. Signage in the Magnolia North Redevelopment Overlay Zone**

Signage in the Magnolia North Redevelopment Overlay Zone shall comply with standards set forth in this Ordinance. Permissible uses of these signs shall be subject to regulations in this Ordinance.

**XVI. Mixed-Use Overlay District**

Signage in the Mixed-Use Overlay Zone shall comply with standards set forth in this Ordinance. Permissible uses of these signs shall be subject to regulations in this Ordinance.

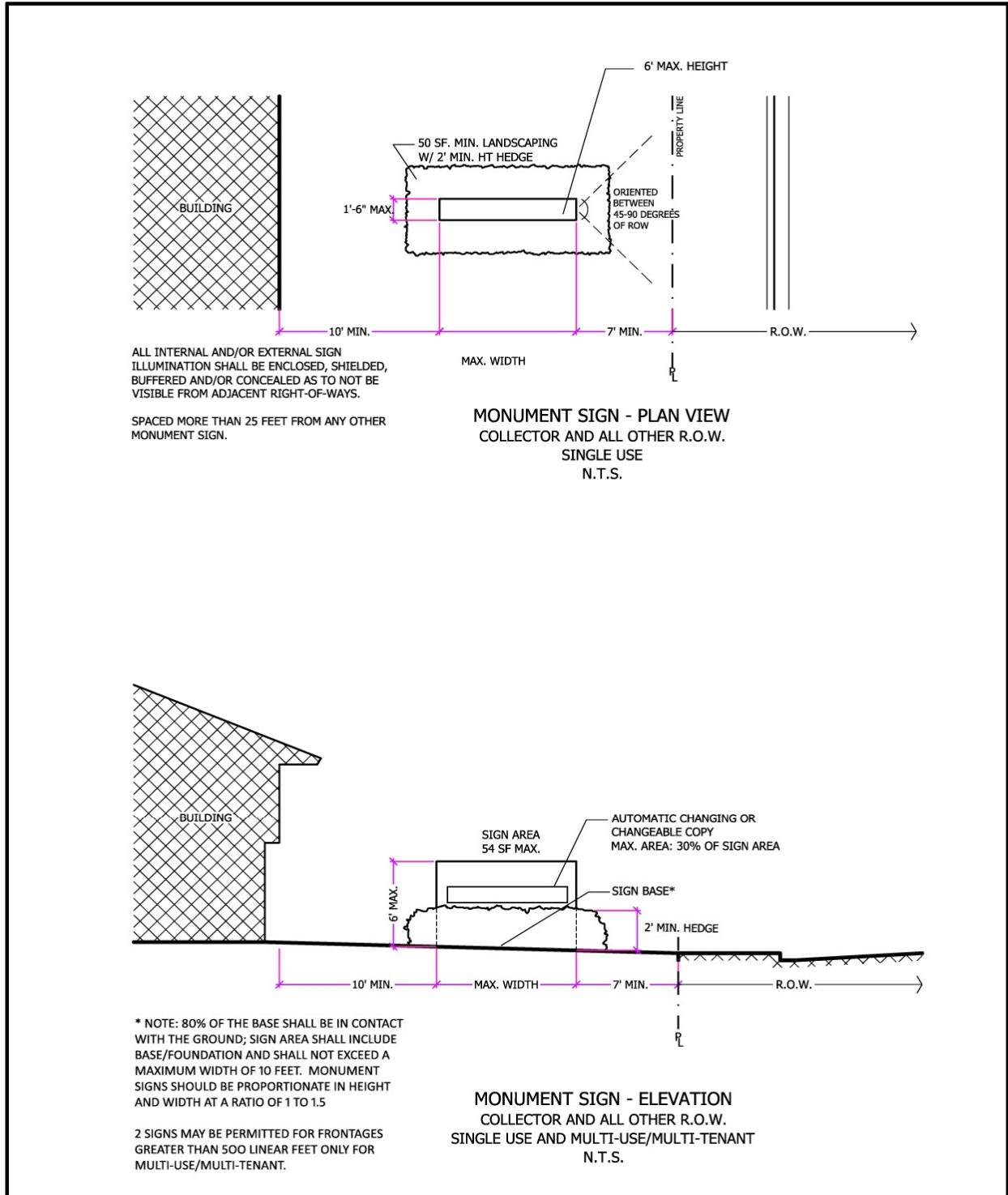
**XVII. RESERVED**

**XVIII. Temporary Signs**

Temporary signs are permitted in the City for duration of time depending on the type of sign. Failure to remove a temporary sign within the permitted time-frame shall result in a violation of this Ordinance. Temporary signs shall be permitted subject to compliance to the following provisions:

- A. **Construction Signs.** One (1) development/project sign plus one (1) for each architect, contractor, sub-contractor, developer or finance organization at which location such individual is furnishing labor, materials, or services trade, financial institution, or sponsor.
1. Sign Area. Each sign shall not be greater than thirty two (32) square feet; however, the total sign area of all construction signs shall not exceed 256 square feet. Only the sign face shall be counted toward the maximum sign area allowed. There is no sign size limit if the sign is painted on an approved construction shed/trailer.
  2. Sign Height. Maximum sign height shall be ten (10) feet, measured from the base of sign to the uppermost portion of the sign.
  3. Duration. All construction signs shall be removed within fifteen (15) days after the certificate of occupancy for the structure is issued.

Figure o-5 – Monument Signs



4. Permit. A sign permit shall not be required for a construction sign. The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, or other provisions of this Ordinance.

**B. Temporary Construction Fence Sign (TCFS).** Temporary Construction Fence Signs (TCFS) shall be permitted subject to compliance with the following:

1. Location. Temporary Construction Fence Signs are permitted in all zoning districts. Such signs must be located on-site for real estate development projects, specifically at the construction site. Building permits must be issued for construction of the project in question prior to the construction or placement a TCFS. TCFS shall only be permitted along lot frontages on public rights-of-way.
2. Setbacks. The minimum setback for Temporary Construction Fence signs should be five (5) feet from the front property line or any right-of-way line, or shall meet the minimum standards for compliance with other applicable regulations.
3. Landscape. Landscape should be provided within the five (5) foot setback. At minimum, such should include shrubs spaced a minimum of 36 inches on center, a minimum of 24 inches at planting, or some combination of setback and landscaping meeting the approval of the Director. Such landscape shall be maintained in acceptable condition for the duration that the fence exists.
4. Modifications. The Director shall have the authority, but no obligation, to modify said setbacks and landscape requirements based on a review of written justification that must be submitted by the Applicant. The Director shall have the authority to increase setbacks and minimum landscape requirements as deemed appropriate to the interests of the City of Opa-locka.
5. Size. TCFS may be constructed up to eight (8) feet in height.
6. Copy. All copy shall be professionally prepared and affixed, and copy shall be limited to the following:
  - (a) Development Name
  - (b) Development Company
  - (c) Contact Phone Number
  - (d) Web Site
  - (e) Graphics/pictures of proposed development, buildings, people
  - (f) Sale price
7. Lettering. Lettering shall not exceed two (2%) percent of the sign surface area.
8. Submittal. The following items shall be submitted in the review of the TCFS application on a form approved by the City:
  - (a) Site plan/survey clearly depicting the location of the TCFS.

- (b) Color illustration/elevation of the TWFS depicting the copy with dimensions of size and lettering.
  - 9. Review and Approval. The Director shall review the content and design of all TCFS, and may impose any and all additional conditions deemed appropriate including but not limited to setbacks, content, size, length, material, color, lighting, and landscape.
  - 10. Duration. TCFS shall be permitted up to one (1) year from approval, and may be extended for an additional period at discretion of the Director, providing just cause and reason is provided by the applicant. TCFS shall be removed within fifteen (15) days after the final certificate of occupancy for the structure(s) is issued.
- C. **Political Campaign Signs Standards.** One (1) sign per property per candidate or ballot issue.
- 1. Sign Size. The maximum size allowed shall be nine (9) square feet per sign on residential properties and thirty-two (32) square feet on nonresidential/mixed use properties.
  - 2. Setback. Signs shall setback a minimum of five (5) feet from all property lines.
  - 3. Sign Location. No sign shall be located within, on, or over public right-of-way, public lands, or utility poles, or be located in a required sight visibility triangle.
  - 4. Placement on Vacant Lots. No political campaign sign shall be placed upon an unimproved lot without the written consent of the property owner filed with the City Clerk prior to posting of the sign.
  - 5. Signs on Vehicles or Machinery. Political campaign signs placed on vehicles or machinery in residentially zoned property, except bumper stickers, shall not exceed 4 1/2 square feet and shall be securely fastened to the vehicle in order to ensure that the vehicle is capable of being operated in a safe manner upon the roads of the state.
  - 6. Prohibited. Portable political campaign signs, except for those signs securely fastened to vehicles or machinery noted above, defined for purposes of this Ordinance as signs not secured to the ground in accordance with the Building Code, shall be prohibited.
  - 7. Traffic Hazards. Political campaign signs shall not be located on property in such a manner as to interfere with or present a hazard to the flow of traffic along the streets adjacent to the property upon which such sign is located. The City shall take appropriate actions to remove or cause such signs to be removed.
  - 8. Removal of Improper Political Campaign Signs. Political campaign signs not posted in accordance with these regulations shall be subject to removal by the candidate, the property owner or the City. If the City removes the sign, the City shall deduct the cost and expense of removal from the posted cash bond.
  - 9. Duration. Sign shall be erected no earlier than ninety (90) days prior to the first primary. Signs shall be removed within five (5) days after the last election which candidate or issue was on the ballot. Promoters, sponsors

and candidates shall be responsible for compliance with the provisions in this section and shall remove signs promoting or endorsing their respective candidacies when such signs are displayed or used in violation of this section. Additionally, any private owner who fails to remove an unlawful special events sign from his or her property shall be deemed in violation of this section. Any sign not removed within this time frame shall be considered an abandoned sign and subject to removal without notice.

10. Bond. The City Commission shall have the authority to require that each candidate in a municipal election and non-municipal elections, prior to the installation and/or construction of signs in accordance with this section, to post or cause to be posted with the City a refundable cash bond in an amount determined by the City Commission as part of the customary procedure to establish such fees.
11. Permit. A sign permit shall not be required for a political sign. The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, or other provisions of this Ordinance.

**D. Real Estate Signs (Non-residential and Mixed-Use Developments).** A maximum of one (1) sign per lot frontage on a right-of-way, except that properties with a lot frontage of five-hundred (500) linear feet or more are allowed a maximum of two (2) signs per lot frontage on right-of-way.

1. Size. Real Estate signs shall not exceed six (6) square feet when affixed to a window or building façade, and forty-four (44) square feet for freestanding real estate signs. The support structure of the freestanding sign shall not be counted towards the area of the sign.
2. Setback. Freestanding real estate signs shall setback a minimum of ten (10) feet from all property lines.
3. Height. Real estate signs shall be a maximum height of eight (8) feet.
4. Spacing. Real Estate signs shall be spaced a minimum of two-hundred fifty (250) feet apart when located on the same property, and spaced a minimum of one hundred (100) feet from real estate signs on other property. Real estate signs shall be spaced a minimum of five (5) feet from any other sign on the property.
5. Location. Freestanding real estate signs shall only be placed in landscaped areas of the property, and shall not be located in the sight distance triangle, and shall be placed at either a 45 degree or 90 degree angle to the right-of-way.
6. Maintenance. Real estate signs shall be maintained in good condition and readable and shall not be faded or weathered, and shall be replaced every twelve (12) months.
7. Copy. Sign copy shall only contain necessary copy directly related to the real estate activity/transaction for the property of which the sign is located. Advertising of products or services other than the real estate shall be prohibited.
8. Duration. Real Estate signs shall be permitted up to one (1) year from approval, and may be extended for an additional period at the discretion

of the Director, providing just cause and reason is provided by the applicant. Real estate signs shall be removed within fifteen (15) days after the sale or transaction of the property.

9. Permit. A sign permit shall be required.

10. Exception for Banners.

(a) Size. Real estate banner signs shall be allowed up to a maximum size of ten percent (10%) of the building façade area of which the banner is mounted.

(b) Location. Real estate banner signs shall only be affixed or mounted to the building façade. Notwithstanding compliance with these standards, no real estate banner sign may be located on the property as to pose or create a hazardous or health safety concern.

(c) Permit. A sign permit shall be required prior to the mounting of a real estate banner sign. A banner used as a real estate sign shall require public hearing approval.

E. **Real Estate Signs (Single Family Residential, Individual Townhouse, Duplexes, and Similar Dwelling Units).** Real estate signs shall be permitted subject to compliance to the following standards:

1. **Number.** One (1) real estate sign per property and one (1) open house real estate sign per property. Up to three (3) temporary off-premise open house directional signs per residential development for the purpose of providing directions to multiple new dwellings for sale or lease in said development, or per resale home.
2. **Size.** Each sign on the property shall not exceed four (4) square feet in area. Off-premise open house signs shall not exceed three (3) square feet in size.
3. **Setback.** Signs shall be setback a minimum of five (5) feet from any property line.
4. **Height.** Signs Real estate signs on the property shall be a maximum height of five (5) feet. Temporary off-premise open house signs shall not exceed a maximum height of two (2) feet.
5. **Location.** Open house Signs shall be free-standing attached to their own support anchored in the ground, and shall not be affixed to the building and shall not located in the right-of-way. Permission to locate off-site open house signs shall be obtained from property owners. Signs located in the rights-of-way, or without property owner permission may be removed and discarded accordingly.
6. **Maintenance.** Signs and all supporting structures shall be maintained in good condition and readable and shall not be faded or weathered, and shall be replaced every twelve (12) months.
7. **Copy.** Real estate sign copy shall be limited to the “for sale” or “for rent”, name of the agent, company, broker, phone number, address, web-site/email address, and other information as may be required by law or regulations. Open house directional sign copy shall be limited to “open house” and an address and/or directions.

8. **Duration.** Off-premise open house signs shall be permitted only during actual open house events and only between the hours of 9:00 a.m. on Fridays to 10:00 p.m. on Sundays. These hours shall be extended to include federal holidays.
  9. **Permit.** A sign permit shall not be required. The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, or other provisions of this Ordinance.
- F. **Banner Signs.** Banner signs shall be permitted subject to compliance to the following standards:
1. **Permit.** A sign permit shall be required for a banner sign;
  2. **Exception.** Banner signs approved for a city-sponsored or approved special event shall be exempt from these standards;
  3. **Usage.** Temporary banner signs can only be issued to bona fide retail/commercial, institutional, educational, religious, or restaurant use located on a single site or in a shopping center; Banner signs are only for purposes of advertising a grand opening, going out of business, or promotional or sales event;
  4. **Material.** Banner signs must be of a flexible material, no permanent type signage shall be considered a banner;.
  5. **Number of signs.** Only one (1) banner sign per any one-year period for single use properties can be issued; No more than three (3) banner signs shall be permitted at any one time and in any one-year period in a multiple tenants/multi-use development;
  6. **Location.** Banner signs must be installed on the same property as the business and must be in close proximity to the actual business; Banner signs must be mounted temporarily in a landscaped area, on a fence or wall; no permanent installation is allowed; banners cannot be secured to trees, light poles or other structures;
  7. **Spacing and Setback.** Banner signs must be spaced at least ten feet from each other and shall be a minimum of seven (7) feet away from the Right of Way at all Times;
  8. **Size.** Banner signs may not be greater than 50 square feet in size;



9. Safety. No banner sign may be located on the property as to pose or create a hazardous or health safety concern;
  10. Duration. Applicants have up to 15 days to install the banner and the banner sign may only be displayed for 45 days. Permits will expire 60 days from date of issuance, and all signs shall be removed; The banner and any installation material must be completely removed after 45 days of being installed or before the expiration of the permit, whichever comes first, or the applicant may be subject to a civil code violation;
  11. Code Inspection. The banner sign permit must be kept on the business premises and readily available for inspection by a code compliance officer or the applicant may be subject to a civil violation notice;
- G. **Inflatable/Balloon Signs.** Inflatable/balloon signs shall be permitted provided they are in compliance with the following standards:
1. Number. The maximum number of inflatable/balloon signs shall be limited to one (1).
  2. Size. Inflatable/Balloon signs shall have maximum size of thirty two (32) feet in height and twenty (25) feet in width.
  3. Setback. Inflatable/balloon signs shall setback a minimum of fifteen (15) feet from all property lines.
  4. Location. Inflatable/balloon signs shall only be located on non-residential, mixed-use properties. Signs may be located in the front of buildings, on roof tops, and on the property as to not occupy parking areas, drive aisles, and shall not impede traffic or pedestrian flow, or create an unsafe or hazardous situation on or off the property.
  5. Duration. Inflatable/balloon signs shall be permitted up to four (4) times each calendar year per property. No more than once each calendar quarter per applicant or per multi-tenant/multi-use property. Maximum of seventeen (17) days per sign during any one (1) calendar quarter.
  6. Copy. Copy on the inflatable/balloon signs shall be limited to the business, or organization, or event name, and the primary product or service.
  7. Height. Maximum of thirty-two (32) feet above the rooftop of the building in which the advertised use or occupant is located. Rooftop installations require the written consent of the property owner.
  8. Permit. A sign permit shall not be required for an inflatable/balloon sign. The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, or other provisions of this Ordinance.

- H. **Spot/Search Light Sign.** Spot/search light signs shall be permitted provided they are in compliance with the following standards:
1. Number. The maximum number of spot light signs shall be limited to one (1). One (1) sign shall have a maximum of up to four (4) individual spot lights.
  2. Setback. Spot light signs shall setback a minimum of fifteen (15) feet from all property lines.
  3. Location. Spot light signs shall only be located on non-residential, mixed-use properties. Signs may be located in the front of buildings, and on the property as to not occupy parking areas, drive aisles, and shall not impede traffic or pedestrian flow, or create an unsafe or hazardous situation on or off the property.
  4. Duration. Spot light sign shall be permitted per property or development up to three (3) times per calendar year for up to a maximum of three (3) consecutive days at any one time.
  5. Copy. Illumination of copy shall not be permitted.
  6. Permit. A sign permit shall not be required for a spot light sign. The exemption from a sign permit shall not be construed to waive or otherwise exempt compliance with the Florida Building Code, or other provisions of this Ordinance.
- I. **Mobile Vendor and Street Vendor Signs.**
1. Street vendors in semi-permanent structures and permanent structures shall be allowed one sign, not exceeding 5 sq. ft, which may contain the name of their business, the goods being sold at the location, and the prices of such goods.
  2. Mobile vendors shall be allowed signs on their vehicle for the purpose of indicating the items being sold and the prices for such items only.
  3. Mobile vendor signs shall be affixed to the vehicles related to the items advertised on the sign, with the following exception: Mobile Vendors shall be allowed (one) freestanding sign, not to exceed one (1) sq. ft., which may be placed only on their counter.

**XIX. Prohibited Signs**

It shall be unlawful for any person to install, alter, erect, construct, post, paint, maintain, or relocate, within the municipal limits of the City of Opa-locka any sign, without first having obtained a permit from the City, and/or have a valid permit for said work, unless otherwise exempt by this Ordinance.

Said permit shall be issued by the City Manager or his designee only after determination has been made that full compliance with all conditions of this Ordinance, the Florida Building Code and other applicable regulations have been met and complied with.

Before any permit is issued, an application for such permit shall be filed in a manner required by the City. Any sign that does not have or has not been issued a valid

permit as may be required by this Ordinance shall be prohibited. In addition, the following signs shall be prohibited in the City of Opa-locka;

1. Any sign not in compliance with the standards set forth in this Ordinance.
2. Signs so located as to constitute a danger to public safety, including signs placed in the sight distance triangle.
3. Signs that exhibit thereon any lewd, obscene, offensive, or lascivious matter.
4. Wall signs with changeable copy, with the exception of Marquee signs as provided for in this article.
5. Window signs above the second floor of any building.
6. Portable political campaign signs, except for those signs securely fastened to vehicles.
7. Any sign not secured to the ground or affixed to a wall or window in accordance with the Florida Building Code.
8. Banners, either on or otherwise mounted/placed on/with or connected to gasoline pumps, trees, utility poles, walls, or to other signage, except as specifically permitted in accordance to this Ordinance.
9. Signs located on top of gasoline pumps, unless as required by law.
10. Flag that advertises a product, service, event, or slogan, except as specifically permitted in accordance to this Ordinance.
11. Any signs, other than traffic signs, those under public authority, or those otherwise provided for in this ordinance, which uses the words "Stop" or "Danger," which implies the need to stop or present danger, are prohibited.
12. Signs or sign supports with revolving or flashing lights that mimics the color combinations of public alarms and signals, such as any fire alarm, police alarm, traffic signal or sign of any devices maintained by or under public authority, are prohibited.
13. Portable signs, except as specifically permitted in accordance to this Ordinance.
14. Vehicle signs used to advertise a place of business or activity that can be viewed from a public right-of-way. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and moved and used daily for delivery or service purposes and are not used, or intended for use, as portable signs. This shall not be interpreted to prohibit a mobile vendor from having a sign used to display information regarding information, such as prices, of the items being sold. This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles which are licensed or certified by Miami-Dade County or other governmental agency.
15. Roof signs, parapet signs, and signs projecting above a canopy, parapet, or roof of a building, except balloon signs that may be permitted in accordance to this Ordinance.
16. Billboards signs, except for those specifically allowed by the City Commission with a Zoning Council recommendation.
17. Changeable copy signs except as specifically permitted in accordance to this Ordinance.

18. A sign which covers, interrupts or disrupts the major architectural features of a building.
19. Signs or sign support that may interfere with public alarms, signals, or signs or placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign or any devices maintained by or under public authority.
20. Abandoned signs as herein defined, that remains out of compliance of the provisions herein for more than sixty (60) days of being abandoned.
21. Animated signs as herein defined, except for those specifically allowed by the City Commission with a Zoning Council recommendation.
22. Open house signs located off-premise.
23. Real estate signs with photographs, graphics of agents/brokers.
24. Off-premise signs.
25. Neon signs, except as specifically permitted in Section IX (F).
26. All snipe signs.
27. Standard balloons with or without copy used with the intention of drawing attention.
28. Any blinking or flashing lights, revolving or rotating signs, streamer lights, pennants, streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited except during recognized holiday periods such attention-attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods in accordance to provisions herein.
29. Automatic Changeable Copy window signs.
30. Signs on unoccupied or temporary structures, unless otherwise provided for in this Ordinance.
31. Bench Signs.
32. Pole signs.

**XX. Violations And Penalties**

A. The City Manager or designee, the Building Official, law enforcement officers, code enforcement officers and the Community Development Director, and/or their designees of the City of Opa-locka shall be authorized to enforce the provisions of this Ordinance and pursuant to said authorization shall be empowered to enforce as permitted by law all violations of this Ordinance.

B. Any person or entity found guilty of violating any section of this Ordinance shall be subject to a fine up to \$500.00 per violation per day. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

**Sec. 22-237. Purpose**

Words and terms used in this code shall be given the meanings set forth in this section. All words and terms not specifically defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest.

**Sec. 22-238. Definitions**

**A**

**Abandonment/Abandoned**

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be shown through continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

**Abut**

To physically touch, or having property or district lines in common.

**Access**

A means of ingress and egress to a lot from either a public street, alley or private way.

**Accessory building, structure or use**

A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and subordinate to that

of the principal structure. Where there is no principal structure on the lot, the accessory structure shall be considered as a principal structure for the purpose of the height, area and bulk regulations.

These accessory buildings or structures may include but are not limited to the following: generators, pools, whirlpool spas, courts, cabanas, chickee huts, gazeboes, sheds, detached garages and carports, antennas and wireless telecommunications facilities.

**Accessory dwelling unit**

An ancillary or secondary living unit (that has a separate kitchen, bathroom, and sleeping area) existing either within the same structure, or on the same lot, as the primary dwelling unit.

**Addition to existing building**

Any construction or alteration which increases the size of a building.

**Adjacent property**

Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a freeway or principal arterial) from the subject property.

**Adult business**

Any premises within the city where members of the public, or any person for consideration, are offered any live or recorded performance, or any visual image tangibly fixed in any medium, which performance, image, or recording has as its primary or dominant theme subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and which performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. ch. 847.

**Adult congregate living facility**

**Article XI.  
Definitions**

Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator, not including substance abuse facilities.

**Adult day care**

Any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the twenty-four-hour day, basic services to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

**Adult group home**

A nursing home facility, adult congregate living facility or adult family-care home facility licensed pursuant to Chapter 400 of the Florida Statutes, Parts II, III and VII, respectively.

**Alley**

A through right-of-way (public or private), of less than 25 feet in width, that offers only secondary access to abutting properties which is not used for general traffic.

**Alterations**

Any change in the size, shape or character of construction of a building, structure or sign. Superficial enhancement of the exterior of an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**Animal boarding**

**Article XI.**  
**Definitions**

Any place of business where dogs and/or cats are maintained for overnight boarding for a fee. Animal boarding facility may include grooming but shall not include any animal control center or any veterinary hospital, or any animal facility operated by any subdivision of local, state or federal government. Animal boarding facility shall not include any research facility subject to inspections under any provision of any state and/or federal law.

**Animal grooming**

All stores, shops or other business wherein animals are accepted for personal treatment not overnight such as, but not limited to, hair trimming, fur cutting, bathing, washing, pedicuring, combing or brushing, shampooing, or any and all other measures and treatments designed or performed for the purpose of improving the cleanliness or appearance of animals.

**Apartment**

A building with or without resident supervision occupied or intended to be occupied by more than two families living separately with separate cooking and sleeping facilities in each unit.

**Appliance, furniture and electronic rental and repair**

Any place of business which provides for the repair and rental of small appliances, electronics and furniture.

**Arcade**

A walkway adjacent to a building, covered by a roof, yet not fully enclosed.

**Arterial**

A street as defined in Section 334.03(15), Florida Statutes. All arterials in Miami-Dade County are designated on the Miami-Dade County Transportation Map.



**Artist workspace**

A space for the production of art works.

**Assembly**

A group of persons organized and united for some common purpose.

**Attic**

The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage of mechanical equipment enclosed with walls, flooring, and a ceiling creates finished attic space eligible for status as a story.

**Automobile service center**

Any building, structure, or lot used for the following: dispensing, selling or offering for retail sale gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of vehicles. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of candy, soft drinks and other related items for the convenience of the motoring public, and may include facilities for hand car washing, lubricating, minor repairs or vehicle service. Such establishments shall not include facilities for major vehicle service.

**B**

**Balcony**

A platform enclosed by a parapet or railing that projects from the wall of a building and is not within the general outline or profile of the building.

**Banquet hall**

A facility or hall available for lease by private parties for the purpose of dining and social events.

**Bar, lounge or tavern**

Any place of business where alcoholic beverages are sold or offered for sale for consumption on the premises and where the sale of food is incidental to the sale of such beverages or where no food is sold, and includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a principal use. Establishments where alcoholic beverages are permitted for consumption on the premises as an incidental or accessory use are not considered a bar.

**Bikeway**

Any road, path, or way which is designated as being open to non-motorized vehicular travel.

**Block**

A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public space or combinations thereof.

**Boat**

A vessel for travel on water. The following shall be exempt from the term “boat”:

- a) non-motor-powered vessels;
- b) non-motor-powered vessels used exclusively on private lakes and ponds;
- c) vessels owned by the United States Government; and
- d) vessels used exclusively as ship’s lifeboat.

**Boat trailer**

A non-automotive vehicle designed to be hauled by road as a vehicle for the transportation of boats.

**Boat storage/marine facility**

**Article XI.  
Definitions**

A recreational boating establishment, which may provide covered or uncovered dry boat storage, marine fuel and lubricants, marine supplies, boat and boat motor sales or rentals. Repairs which are incidental to the principal marine use are permitted as an accessory use; however, no boat construction or reconstruction is permitted.

**Boundary**

A line indicating the bounds or limits of any tract or parcel of land, or the various use districts of an urban area.

**Buffer area (see also screening)**

A physical barrier, landscaped area or green space intended to separate two adjacent land uses or properties from one another.

**Build to line**

An alignment established a certain distance from the curb line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

**Buildable area**

The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building**

Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Code**

The Florida Building Code, as amended, the National Electrical Code, as amended, the National Electrical Safety Code, as amended, FCC regulations, as amended, and any other applicable federal, state, and local building code.

**Building footprint**

The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

**Building line**

The line established by law, beyond which a building shall not extend, except as specifically provided by law.

**Building permit**

An official document or certification that is issued by the building official after review for compliance with building constructions standards adopted by the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure and does not include a review for compliance with land development regulations.

**Building setback**

The distance as measured perpendicularly from the front, side, or rear property line to the building.

**Built upon area**

A portion of a development that is covered by impervious or partially impervious cover including, but not limited to, buildings, pavement, gravel roads and parking areas, recreation facilities.

**Buildout**

Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**Business tax receipt**

A license issued by the City as a prerequisite to the maintaining and conducting of a business, service or profession.

**C**

**Canopy**

Any fixed roof-like structure, not movable like an awning, and which is cantilevered in whole or in part self-supporting, but having no side walls or curtains other than valances not more than 18 inches deep. Lean-to canopies, fixed umbrellas and similar structures are included in this classification. Structures having side walls or valances more than 18 inches deep shall be classified as a tent as set forth herein.

**Carport**

A private automobile shelter not completely enclosed by walls and doors.

**Carrier**

A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

**Catering kitchen**

A facility for the preparation of food items to be served at events and venues off-premises.

**Carwash, hand**

A for-profit service involving the washing and/or waxing, and/or buffing of vehicles by hand labor. This definition shall not include self-service mechanical hose car washes, or car washing operations serving as an incidental use to businesses which are primarily involved in the selling, renting or leasing of vehicles.

**Car washing**

The operation performed on a vehicle in order to clean it; it may include both exterior and interior washing and cleaning functions.

**Car washing, mechanical**

A structure containing facilities for the automatic or semi-automatic washing, waxing and drying of automobiles.

**Child care facility**

Any child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a)Public schools and nonpublic schools and their integral programs, except as provided in F.S. § 402.302 5;
- (b)Summer camps having children in full-time residence;
- (c)Summer day camps;
- (d)Bible schools normally conducted during vacation periods; and
- (e)Operators of transient establishments, as defined in F.S. ch. 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of F.S. ch. 435.

**Civic use**

A building or land area devoted to educational, neighborhood or governmental activities and serving the needs of the public or local citizenry.

**Cluster development**

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**Collector**

A street as defined in Section 334.03(4), Florida Statutes.

**Colonnade**

A series of columns set at regular intervals and usually supporting the base of a roof structure.

**Commercial vehicle**

A motor vehicle with two axles or more used for the purchase, sale or transportation of commodities including but not limited to motor or non-motored vehicles displaying the name(s) of commercial entities.

**Committed trip**

A trip reserved for concurrency purposes based on an approved development order.

**Common area recreational facility**

Recreational structures or areas in a particular development such as: community buildings; pools; cabañas; tennis, basketball or racquetball courts; solariums and play lots for the use and enjoyment of the residents and guests.

**Community facility**

A building or facility owned and operated by a governmental, civic, fraternal or veterans organization or association or nonprofit entity which is open to the public or a designated part of the public for recreational, social and educational activities, which primarily serve the immediate community in which the facility is located.

**Community residential home**

A dwelling unit licensed to serve residents, who are clients of the department of elderly affairs, the agency for persons with disabilities, the

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department of juvenile justice, or the department of children and family services or a dwelling unit licensed by the agency for health care administration which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

**Concurrency**

The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

**Conditional use**

A use not permitted by right but may provide for an individual or community serving need and which, subject to conditions, would not impact the integrity of the zoning district.

**Consignment shop**

An establishment wherein goods limited to clothing, shoes and/or accessories for adults and/or children are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the profits, or other consideration. Such goods may be comprised of a combination of used goods and new goods, or of used goods only.

**Contiguous**

Lands are contiguous if they abut each other, or if separated by streets, ways, easements, pipelines, power lines, conduits, or rights-of-way under single ownership of the petitioner, a governmental agency, a subdivision or a public or private utility. Lands shall not be considered contiguous unless they can be developed with internal vehicular and pedestrian connectivity.



**Convenience store**

A retail use, not exceeding 1,000 square feet, that is an accessory use in and serves residents and visitors in residential buildings with 300 or more units.

**Critical facility**

A facility including, but not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

**D**

**Day care**

An enterprise involving the care of no more than five (5) preschool and elementary school children from more than one (1) unrelated family including preschool children living in the home and preschool children received for day care who are related to the resident care giver.

**Day spa**

An establishment that provides at least three (3) services for personal wellness or grooming (including massage and body care treatments, facials, and other aesthetic treatments) and no more than one (1) chair for makeup or hair treatments.

**Density**

An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

**Density, gross**

The total number of dwelling units divided by the overall area (as measured to the centerline of adjacent streets).

**Density, net**

The total number of dwelling units divided by lot area (exclusive of rights-of-way).

**Design excellence**

Architectural designs which rise above the ordinary because of design, treatments and materials which provide character and diversity and contribute to establishing an "address" and a sense of place.

**Developer**

Any person, including a government agency, undertaking any development as defined herein.

**Developer Agreement**

A formal document adopted by Resolution of the City Commission, which outlines the responsibilities for expansion, extensions and reimbursement schedules for the construction of improvements to meet the adopted level of service.

**Development**

Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

**Development order**

Any order granting, denying, or granting with conditions an application for a development permit.

**Development permit**

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Any building permit, zoning permit, subdivision approval, rezoning, certification, variance, or any other official action of local government having the effect of permitting the development of land.

**Demolition**

The complete constructive removal of a building or structure on any site.

**Director**

The Planning and Community Development Director or his or her qualified designee.

**District**

Any area delineated on the official zoning map under the terms and provisions of this Code or which may hereinafter be created subsequent to the enactment of this Code for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.

**Driveway**

A vehicular access or a private road that enables vehicles to travel from a public or private road to the entrance of a public or private property.

**Drive-through**

A driveway or roadway that is designed and intended to provide access for vehicles whereby occupants of vehicles receive and/or obtain a product or service.

**Dry cleaning**

Any fully equipped steam laundry or dry cleaning and dyeing establishment wherein the actual processing of garments is done. A dry cleaning establishment shall also engage in collecting clothes from customers, over the counter, processing them, and returning them to the customers.

**Dry cleaning plant**

A facility in business to provide dry cleaning services, on a large scale, for offsite customers. A dry cleaning plant is an industrial operation, is not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.

**Duplex**

A building containing two single-family dwelling units totally separated from each other by a vertical common firewall. Each unit shall have direct access to the outside and separate cooking and sleeping areas.

**Dwelling or residence**

Any building or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently, or temporarily, continuously or transiently.

**Dwelling, multifamily**

A building or portion thereof used for occupancy of three or more families living independently of each other and containing three or more dwellings including, but not limited to, what is commonly known as an apartment building.

**Dwelling, single-family attached (group, row, duplex, and townhouses)**

One or more dwellings having a common or party wall.

**Dwelling, single-family detached**

A dwelling not occupied by more than one family; a dwelling comprised of only one unit.

**Easement**

An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

**Educational facility**

A building or group of buildings used primarily as an institution of higher learning established and operated for profit or not-for-profit, or recognized by the State of Florida as an institution offering post high school curriculum, including college/university dormitories.

**Entrance features**

Any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress to the development. An entrance feature may include, although not necessarily be limited to, ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either singly or in any combination thereof.

**Existing development**

The use of a lot, parcel or structure at the time of the enactment of the code or any section thereof.

**Existing urban service area**

Built-up areas where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

**F**

**Façade**

That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, etc. but does include exposed roof surfaces.

**Family**

One or more persons living together as a single housekeeping unit.

**Fence**

A barrier used to enclose a property as a means of protection or confinement.

**Fine arts studio**

A facility for the instruction and/or rehearsal of fine arts, including but not limited to music, dance, and painting.

**Flag**

A piece of fabric with a color or pattern representing a government or other organization, entity, or idea.

**Flea markets and bazaars**

Markets, often outdoors, consisting of a number of individual stalls selling old or used articles, curios and antiques, cut-rate merchandise, etc.

**Floodplain management**

**Area of shallow flooding**

A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow

may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard**

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This term is synonymous with the phrase “special flood hazard area.”

**Base flood**

The flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” and the “regulatory flood”).

**Base flood elevation**

The water-surface elevation associated with the base flood.

**Basement**

That portion of a building having its floor sub-grade (below ground level) on all sides.

**Best management practices**

Any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. This shall include but are not limited to those measures specified in the stormwater best management practice handbooks for municipal, industrial/commercial, and construction activity and those measures identified by the City.

**Breakaway wall**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under

specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Coastal high hazard area**

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 – V30, VE, or V.

**Datum**

A reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

**Elevated building**

A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

**Encroachment**

Any portion of any structure that extends beyond the required setback, easement or floodplain.

**Existing construction**

For the purposes of floodplain management, structures for which “the start of construction” commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of



construction” commenced September 29, 1972. This term may also be referred to as “existing structures”.

**Flood or flooding**

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) The overflow of inland or tidal waters.
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
  - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

**Flood boundary and floodway map (FBFM)**

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**Definitions**

The official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

**Flood Hazard Boundary Map (FHBM)**

An official map of the community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

**Flood Insurance Rate Map (FIRM)**

An official map of the community, issued by FEMA, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)**

The official hydraulic & hydrologic report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

**Floodplain**

Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**Floodplain management**

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood

control works, floodplain management regulations, and open space plans.

**Floodplain Administrator**

The individual appointed to administer and enforce the floodplain management regulations of the community.

**Floodplain management regulations**

This code and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway area**

The channel of a watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

**Floodway fringe**

That portion of a floodplain that is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.

**Free of Obstruction**

Any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is not allowed. This requirement applies to the structures in velocity zones (V-Zones).

**Freeboard**

The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

**Functionally dependent use**

A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**Low impact stormwater control system design**

A storm water management approach modeled to allow natural infiltration of rainfall as close as possible to the original area of rainfall. The design replicates a an unimproved natural system

which does not involve piped or curb and gutter applications; but achieves infiltration through design of a well maintained natural meandering grass swale system. Low impact design protects natural resources from pollutants, reduces unnecessary consumption of land and increases the preservation of natural open space.

**Lowest floor**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this ordinance.

**Mean Sea Level**

The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Code, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

**New construction**

For floodplain management purposes, any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard – include only one date. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or before September 29, 1972, and includes any subsequent improvements to such structures, are considered new construction.

**National Geodetic Vertical Datum (NGVD) of 1929**

A vertical control used as a reference for establishing varying elevations within the floodplain.

**Regulatory floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Remedy a deficiency or violation**

For the purposes of floodplain management, to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Repetitive loss**

For the purposes of floodplain management, flood related damage sustained on a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Watercourse**

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation**

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Floor area, gross**

The sum of the horizontal areas of all floors of a building, including areas used for human occupancy in basements, and attics, as measured from the exterior faces of the walls. Such area does not include basements, unenclosed porches, or attics not used for human occupancy.

**Floor area ratio (FAR)**

A measurement of development intensity determined by dividing the floor area of the building or buildings on any lot by the net area of the lot.

**Florida Friendly Landscaping**

Guiding principles of the Florida Yard and Neighborhood programs which principles include locating the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests, responsibly recycle, reduce storm water runoff, and protect the waterfront.

**Footprint**

The outline or shape of a building or structure as determined on a horizontal plane.

**Frontage**

The length of any one property line of a site, which property line abuts a legally accessible public right-of-way.

**Funeral home**

An establishment with facilities for the preparation of the dead for burial, for viewing of the deceased and for funerals.

**G**

**Garage, public**

A structure designed and used for the storage of motor vehicles.

**Garage, private**

A structure for the private use of the owner or occupant of a principal structure situated on the same lot for the storage of motor vehicles.

**Garage, repair**

A building designed and used for the storage, care, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint, and body work.

**Geographic search area**

That initial circular area which has a radius of no less than one (1) mile designated by a wireless provider or operator for a new tower. The geographic search area shall be determined based upon engineering considerations including grids, frequency coordination and levels of service consistent with good engineering practices.

**Glare**



Alight emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

**Grade**

The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of a building or a base to support a structure.

**Green Definitions**

**Construction and demolition debris or C&D**

Used or commonly discarded materials removed from premises of a project during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any pavement, house, residential building, non-residential building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, house, residential building, non-residential building, and other structures.

**Cut-off type lighting fixture**

A luminaire that allows a minimum amount of light directed at a horizontal plane (ninety (90) degrees). Light above the horizontal plane is limited to less than 2.5% of the total lamp lumens.

**Florida Green Building Coalition (FGBC)**

The Florida Green Building Coalition, Inc. a Florida 501(c)(3) not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

**Fuel-Efficient Vehicles**

Vehicles which have achieved a minimum green score of 40 according to the annual vehicle-rating guide of the American Council for an Energy Efficient Economy.

**Full cut-off fixture**

A luminaire, as installed, that is designed or shielded in such a manner that no light is present at or above a horizontal plane.

**Fully shielded**

A light fixture constructed in such a manner that all light emitted by the fixture, whether directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed. Fixture shall be mounted such that no light is emitted above the horizontal plane.

**Green building**

A structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner.

**Green building certification**

The final designation awarded by a nationally recognized third party certifying agency such as the GBCI or FGBC, or other third party certifying agency as approved by the City Manager, evidencing

compliance with the certification requirements under the applicable program.

**Green Building Certification Institute (GBCI)**

The organization which administers and provides third-party project certification for commercial and institutional buildings and tenant spaces under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems™.

**Green Globes®**

The most recent version of the Green Globes® Rating System which includes Green Globes for New Construction and Green Globes for Continual Improvements of Existing Buildings.

**Hybrid vehicles**

Vehicles which use a gasoline engine to drive an electric generator and use the electric generator and/or storage batteries to power electric motors that drive the vehicle's wheels.

**LEED®**

The most recent version of the Leadership in Energy and Environmental Design® Rating System which is a third party certification system designed for rating various building types as developed by the U.S. Green Building Council.

**Light pollution**

Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, up lighting, the uncomfortable distraction to the eye, or any man-made light that diminishes the ability to view the night sky.

**Light trespass**

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Lumen**

A unit of luminous flux; used to measure the amount of light emitted by lamps.

**Nadir**

The direction pointing vertically down from the lowest light emitting part of the luminaire.

**Solar Reflective Index (SRI)**

A measure of a material's ability to reject solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is 0 and a standard white (reflectance 0.80, emittance 0.90) is 100.

**Up-lighting**

Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

**Volatile Organic Compounds (VOCs)**

Carbon compounds that participate in atmosphere photochemical reactions (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates, and ammonium carbonate). The compounds vaporize at normal room temperatures.

**Growth Management Plan**

A plan that meets the requirements of sections 163.3177 and 163.3178, F.S.

**Gun shop**

An establishment engaged in the business of selling firearms, regardless of whether said business is solely engaged in the sale of firearms or sells firearms and additional merchandise.

**H**

**Height**

The vertical distance from grade to the highest point of the structure in all districts, unless exempted per the requirements of exclusion from height limits.

**Height limit**

The limit to the vertical extent of a structure that is measured in number of stories or feet.

**Historic structure, building, site, object, or district**

Any structure, *building, site, object, or district* that is: Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register: certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district: on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or on a local inventory of historic places in communities with historic preservation programs that have been certified either: by the approved Florida program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior.

**Home occupation**

An occupation, craft or profession conducted entirely within a dwelling unit such that the use is incidental to the residential use of the dwelling unit and does not change the residential character of the dwelling unit.

**Hospital**

A building or group of buildings having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices.

**Hotel/motel/lodging**

A building in which lodging or boarding and lodging are provided and offered to the transient public, emphasizing tourist and business travelers for compensation in which ingress and egress to and from all rooms is made through an inside lobby or office which is supervised normally by a person at all hours. As such it is open to the transient public in contrast to a condo hotel, boarding, lodging house/lodging or an apartment building.

I

**Impervious**

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces such as compacted sand, lime rock, shell or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

**Impervious area**

That portion of a lot measured in square feet of those surfaces which are impervious.

**Industrial**

**Article XI.  
Definitions**

Manufacturing, assembly and processing of materials, including outdoor storage of materials, transmission of TV and radio, including tire vulcanizing, retreading or sale of used tires and the sale of building materials.

**Industrial, light**

A use involving limited showrooms, accessory offices, fabrication, or processing of materials that are already in processed form, warehousing, wholesaling, distribution, communication, scientific and research facilities but not including outdoor storage.

**Institutional use**

A use that serves the educational or cultural needs of the community, including museums and other similar uses.

**Interference**

The impairment of transmission or reception of any desired communications or radio frequencies within the City. This term embraces electrical interference in all of its forms, including, without limitation, co-channel interference, interference from intermodulation products, and blanketing inference.

**L**

**Land Development Regulations**

Any ordinance enacted by the City for the regulation of any aspect of development, including an ordinance governing zoning, subdivisions, landscaping, tree protection, or signs, the City's Comprehensive Management Plan, or any other ordinance concerning any aspect of the development of land.

**Landscape feature**

Any improvement or vegetation including, but not limited to courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, low walls, street furniture and exterior lighting.

**Landscape plan**

A plan associated with a subdivision, land development, or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities, and method of installation.

**LEED (leadership in energy and environmental design) certification**

The rating system established by the United States Green Building Council (USGBC) or in the case of bonuses described in article 4 of this Code, the Florida Green Building Coalition.

an office, health care facility, or clinic, licensed by the State of Florida or operated by two (2) or more physicians or medical practitioners licensed by the State of Florida, that is not part of a hospital and that provides elective care for patients on-site who remain less than twenty-four (24) hours. Medical clinics shall not include sanitariums, convalescent homes, or nursing homes but may include, but is not limited to, outpatient surgical clinics and sleep disorder centers.

**Liquor package store**

A state licensed vendor selling alcoholic beverages in sealed containers only for consumption off the premises subject to the limitations provided in chapter 4 (alcoholic beverages) of the City's Code of Ordinances.

**Live work space**

A space that combines a workspace and a living quarters.

**Local Planning Agency**

The agency designated pursuant to Section 163.3174 F.S.



**Loading space**

An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot**

A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

**Lot area, gross**

The area of the overall parcel as measured to the centerline of the adjacent rights-of-way.

**Lot area, net**

The area of the parcel excluding the adjacent rights-of-way.

**Lot, corner**

A lot abutting the intersection of two or more streets.

**Lot coverage**

The area of a lot which is occupied or covered by, but not limited to, buildings, including covered porches and accessory buildings, decks, pools, driveways, walkways, patios, sidewalks, parking structures and roads (i.e. impervious areas).

**Lot depth**

The *mean* horizontal distance between the front and rear lot lines.

**Lot frontage**

The distance for which the front lot line and the street right-of-way line are coincident. The front yard is identified based on the address and the portion of land between the street and the front of the house.

**Lot line, front**

The front of a lot shall be construed to be that portion abutting the street. For corner lots, the lot front shall be the narrowest portion of the lot abutting any street.

**Lot line, rear**

The rear property line of a lot is that lot line opposite to the front property line.

**Lot line, side**

Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot width**

The horizontal distance between side lot lines, measured at the required front setback line.

**M**

**Major renovation/remodel**

Any design and construction project that alters the structure or other site improvements of an existing building where the cost of construction is equal to or exceeds 50% of the building's replacement cost.

**Manufactured home**

A building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufacturing**

The transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, a bottling plant or food product processing, packaging and storage, but not including research and technology production uses.

**Market value**

The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

**Mechanical equipment**

An air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to real property.

**Medical**

An office, health care facility, or clinic, licensed by the State of Florida or operated by two (2) or more physicians or medical practitioners licensed by the State of Florida, that is not part of a hospital and that provides elective care for patients on-site who remain less than twenty-four (24) hours. Medical clinics shall not include sanitariums, convalescent homes, or nursing homes but may include, but is not limited to, outpatient surgical clinics and sleep disorder centers.

**Mixed-use development**

A development that encompasses two (2) or more uses (example: multi-family residential and office; multifamily residential and commercial/retail; office/retail; or any other combination of two (2) or more uses).

**Mixed-use occupancy**

Occupancy of a building or parcel of land by more than one type of use.

**Mobile home**

A trailer designed to be used as living quarters, providing the normal and usual facilities of a residence, intended by size and capacity for extended use as a dwelling which is constructed with a permanent hitch or other device allowing transport of the unit.

**Mobile structure**

A structure on wheels, rollers or skids and not structurally anchored to a foundation.

**Model home**

A structure constructed to represent a certain residential unit design meeting all the requirements of the City for approval of a certificate of occupancy except for approval of the land use upon which the model home is built.

**Model home, dry**

A model home constructed completely in accordance with the ordinances and requirements of the City but which shall not be connected to some or all utility services.

**Multi-family structure**

A building or portion thereof used for occupancy of three or more families living independently of each other in individual dwelling units; including

units that are located over one another; having separate or joint entrances.

**N**

**Newspaper of general circulation**

A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising, as provided for in Section 163.3164(15), Florida Statutes, as amended.

**Night club**

A restaurant, dining room or other establishment, which operates after 11:00 p.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee.

**Nonconforming structure**

A building or structure lawfully established which does not conform to the requirements of these land development regulations for location or other dimensional requirement for such building or structure in the zoning district assigned to the property, i.e., the minimum setback, maximum height, maximum building coverage, parking or landscaping.

**Nonconforming use**

A use which exists lawfully prior to the effective date of these land development regulations and is maintained at the time of and after the effective date of these land development regulations, although it does not conform to the use restrictions of these land development regulations.

**Nursing or convalescent home**

A home, institution, building or residence, public or private, whether operated for profit or not which provides maintenance, personal care or nursing for a period exceeding twenty-four (24) hours to three (3) or more ill, physically infirm or aged persons, who are not related by blood or marriage or adoption to the operator.

**O**

**Office**

A use involving a business, profession, service, including banks and financial institutions, or government activity which does not involve retail activities on site and not including veterinary offices and problematic uses.

**Off-street parking**

The storage space for vehicles on premises other than rights-of-way.

**Open space**

Ground level areas on a lot which are landscaped or designed for pedestrian or recreational use, including covered arcades and plazas under buildings which are accessible to the public.

**Outdoor dining area**

An area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant.

**Outdoor sale**

The placement of goods, equipment, or materials for sale, rental, or lease in a location not enclosed by a structure consisting of walls and a roof. "Outdoor display" shall not mean yard sales as defined in the City Code.

**Outdoor storage**

The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

**Overlay district**

A set of regulations which are superimposed upon and supplement, but do not replace, the underlying zoning district and regulations otherwise applicable to the designated areas.

**P**

**Parapet**

The portion of a building wall which rises above the roof level.

**Parcel of Land**

Any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer and land to be used, or developed as, a unit or which has been used or developed as a unit, as provided in Section 163.3164(16) F.S.

**Park**

Any area that is predominately open space, used principally for active or passive recreation, and not used for a profit making purpose.

**Parking**

The temporary, transient storage of vehicles used for transportation, while their operators are engaged in other activities. Parking shall not include storage of new or used cars for sale, service, rental or any other purpose other than specified above.

**Parking space or stall**

An area on a lot and/or within a building intended for parking of a personal vehicle.

**Passenger terminals**

A facility where passengers board and disembark from mass transportation modes (i.e. buses, trains, airplanes...)

**Patio or terrace living area**

A constructed hard surface area that is paved or bricked (not asphalt).

**Pedestrian-oriented development**

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

**Performance guarantee**

A financial guarantee (letter of credit or bond) to ensure that all improvements, facilities, or work required will be completed in compliance with the ordinances, regulations, plans, permits and specifications of a development.

**Permit**

See Development Permit

**Pervious Area**

That portion of a lot measured in square feet of those surfaces which allow the infiltration or percolation of water directly into the ground.



**Place of public assembly**

Any area where individuals assemble, whether publicly or privately owned and maintained, where assembly is the principle use of the property. This includes, but is not limited to, auditoriums, fraternal lodges, community centers, private clubs, and theaters; and places of worship or other facilities that are used for prayer and assembly by persons of similar beliefs.

**Plat**

A plan, map, or chart of a piece of land with actual or proposed features.

**Final Plat**

The final tracing map or drawing or chart on which the subdivider's plan of subdivision is presented to the governing body for approval, and which, if approved, will be submitted to the Clerk of the Circuit Court for recording.

**Tentative Plat**

A preliminary map, drawing or chart indicating the proposed layout of the subdivision submitted for approval and as further defined in Chapter 28, Code of Miami-Dade County. The purpose being for subdivision design, therefore conceptual in nature, and subject to change prior to the boundary survey being made for which a plat of record is being filed.

**Waiver of Plat**

A subdivision that involves only the dedication of a road, highway, street, alley or easement and due to unusual conditions or circumstances the City finds that it is not necessary that a plat be recorded; or, that the land to be subdivided is to be divided into no more than six (6) parcels); or, that the land is of such an unusual size or shape or has other unusual conditions that justify waiving

the plat requirement; or, a parcel of land conveyed by a recorded warranty deed that is dated prior to **October 28, 2015**.

**Plaza**

An area that is open to the public for passive recreational purposes, limited public assembly and social interaction which is designed and intended for common use and employment of the public.

**Pole**

Any utility, electricity, telephone, power or light pole, other than any pole owned by the City.

**Porch**

An attached open air projection from the outside façade of a building covered by a roof and used solely for ingress and egress and not for occupancy.

**Porte cochere**

A structure attached to a residence and erected over a driveway, not exceeding one story in height, and open on two or more sides.

**Portico**

A colonnade or covered ambulatory and often at the entrance of a building.

**Principal building**

A building in which is conducted the primary or predominant use of the lot on which it is located.

**Promenade**

A wide controlled pedestrian walk, formal in aesthetic design. They may be made of pavers, crushed gravel, grass, wood decking, or concrete.

**Private Club**

A property owned or leased and operated by an individual, group, or an association of persons and maintained and operated solely by and for the members of such a group or association and their guests and which is not available for unrestricted public access or use.

**Public**

Belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some governmental agency.

**Public art**

The creative application of skill and taste by artists to the production of permanent tangible objects according to aesthetic principles, including but not limited to: paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, and bas-reliefs. The following shall not be considered public art:

- a) Art objects which are mass produced;
- b) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;
- c) Architectural rehabilitation or historical preservation;
- d) Signs or business logos.

**Public Facilities**

Facilities relating to comprehensive plan elements required by F.S. § 163.3177 and for which level of service standards must be adopted under F.A.C. ch. 9J-5. The public facilities and services mean roads, sanitary sewer, solid waste, drainage, potable water, recreation and mass transit.

**Public hearing**

A publicly advertised meeting of an official legislative or quasi-judicial body conducting City business during which the, public is allowed to give testimony concerning issues under consideration.

**Public notice**

Notice as defined by s. 163.3164(18) F.S.

**Public park**

A park, playground, swimming pool, community center, reservoir, golf course, or athletic field, within the city, which is under the control, operation, or management of the city or any other governmental agency.

**Public safety and nuisance**

Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Public Rights-of-Way or ROW**

A public right-of-way, public utility easement, highway, street, bridge, tunnel, pier, waterway, dock, wharf, court, lane, path, or alley or any other property for which the public entity is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface to the extent the public entity holds a property interest therein. "Public Rights-of-Way" shall not include private property. "Public Rights-of-Way" shall not include any real or personal property except as described above and shall not include City buildings, fixtures, Poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the Public Rights-of-Way. For the purposes of wireless telecommunication facilities, the City is the sole authority for public rights-of-way.

**Public utility**

Any state-regulated facility for rendering electrical, gas, communications, transportation, water supply, sewage disposal, drainage, garbage or refuse disposal or fire protection service or the like, to the general public.

**R**

**Recording and TV/radio/film**

A station or facility for the production of radio and television broadcasts, videos or films and/or the recording of film or sound.

**Recreation/entertainment, indoor**

A business which is open to the public where customers pay the proprietor for the use or enjoyment of recreational facilities or equipment within an enclosed building. This category of use includes: auditoria, bowling alleys, movie theaters, racquetball facilities, skating, fitness centers, gymnastic facilities, and billiard facilities.

**Recreation/entertainment, outdoor**

A business which is open to the public where customers pay for the use of recreational facilities or equipment on site but not within an enclosed building.

**Recreational vehicle**

A vehicle that is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and

- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Religious institutions**

Churches and ecclesiastical or denominational organizations, or established physical places for worship in this State at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

**Repair garage**

A building designed and used for the storage, care, repair, or refinishing of vehicles, including both major and minor service.

**Research and technology use**

A use such as medical, optical and scientific research facilities, laboratories, pharmaceutical compounding and photographic processing facilities and facilities for the assembly of electronic components, optical equipment and precision instruments or laboratories or buildings the primary use of which is the research, testing and development of goods, materials, foodstuffs or products.

**Residential uses**

A single-family or multifamily dwelling unit which contains a sleeping area, bathroom, kitchen and eating area.

**Restaurant**

A facility with the following characteristics: a varied, non-standardized menu; preparation of food by cooks or chefs; primary orientation to eat-in service; utilization of non-disposable eating utensils, plates, glasses, and cups; waiter or waitress service at tables. Restaurant also means a restaurant facility with the following characteristics: standardized limited

menu; fast food preparation; orientation to take-out or eat-in service; utilization of disposable eating utensils and packaging; no waiter or waitress service at the tables.

**Retail, sales and service**

A use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25) percent of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

**Right-of-way**

See Public Rights-of-Way

**Road, private**

Vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties not abutting public right-of-way.

**Roof**

The exterior top covering of a building.

**Roof line**

The top edge of the roof or top of the parapet, whichever forms the top line of the building structure.

**Roof overhang**

The overhead features of an architectural element beyond the building wall such as roofs.

**Rooftop equipment**

All machinery and equipment located on the roof of a structure.

**S**

**Satellite dish antenna**

A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

**School**

An educational institution, public or private, within the city, offering a curriculum acceptable by local and state educational officials to fulfill legal requirements of education for nursery, elementary through high school levels, or any part thereof.

**Screening**

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**Service station**

Any premises where fuel and similar products are sold and minor services may be conducted.

**Setback**



The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building, as the case may be, including terraces or any covered projection thereof. Steps and ramps are excluded from this calculation.

**Setback, Front**

A setback that is measured from a front lot line.

**Setback, interior side**

A setback that is measured from an interior side lot line.

**Setback, rear**

A setback that is measured from a rear lot line.

**Setback, side**

A setback that is measured from a side lot line.

**Shared parking**

Any parking spaces intended to be utilized for more than one use occurring on a single lot or within a single building, where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

**Shopfront**

A facade facing aligned with public right-of-way with glazed window openings, at least one (1) entrance, and the ability to function as an independent store without any exterior modification.

**Shopping center**

A grouping of retail business and service uses on a single site with common parking facilities.

**Showroom**

**Article XI.**  
**Definitions**

A building or premises where new vehicles, boats, equipment, furniture, appliances, and other products are prominently displayed and offered for sale by an authorized agent.

**Sight distance triangle**

An area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

**Sign**

Any device or representation for visual communication that is used for the purpose of bringing the subject matter to the attention of the public. Signs include, but are not limited to, figures, letters, logos, devices, flags, pennants, emblems, and pictures.

**Abandoned sign**

A sign for a business or purpose that is no longer present at the sign location.

**Animated sign**

A sign that uses movement, change of lighting or change of color to depict action or create a special effect or scene. Also, a sign or device visible from the public right-of-way with letters or characters that move or change more frequently than every six (6) seconds.

**Area of sign**

Sign area shall be computed by means of the smallest square, circle, or rectangle, triangle, or combination of shapes that will encompass the outer limits of the writing, representation, emblem, logo or other display, together with any material or color forming an integral part of the background of the display or area used to differentiate the sign from the backdrop against which it is placed.

**Article XI.  
Definitions**

Sign area shall not include any supporting framework, bracing, or wall when such structure otherwise meets the regulations of this Code and is incidental to the display itself. Signs comprised of individual elements attached to a building wall shall be measured as one unit, when the distance between the sign elements is less than two times the dimension of each element. When the faces of a double-faced sign are parallel, only one side shall be counted in computing sign area. If the two faces of such double-faced sign are of unequal area, the larger sign face shall be considered the area of the sign.

**Attached sign**

A sign which is attached to or supported by a building, a wall, or other structure. The definition of “attached sign” shall not include a sign painted directly on the wall face of a building or structure.

**Automatic electric changing sign (“ACS”)**

Any electrical or electronically controlled sign where different messages or copy changes are shown, and including tri-vision panels. Also, any sign, or portions of a sign, where any light source, including but not limited to incandescent bulbs or light-emitting diodes (LEDs), constitutes the sign text or image. This type of sign includes, but is not limited to electronic message boards; television screens; plasma screens; digital screens; flat screens; LED screens; video boards; other types of electric and electronic display boards and screens; and holographic displays.

**Awning, canopy, roller curtain or umbrella sign**

Any sign which is stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.

**Banner**

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentation applied to paper, plastic, fabric or other non-rigid material, excluding flags and insignias of any government entity.

**Building marker signs**

Any sign indicating the name of a building and date and incidental information about its construction.

**Canopy sign**

A sign that is suspended from, attached to, supported from, or forming a part of a canopy.

**Cantilever**

That portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.

**Cantilever sign**

Any sign which is mounted on a cantilever.

**Changeable copy signs**

Any sign within a monument display designated so that letters or numbers are manually attached or automated to change to a different message.

**Construction sign**

Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property such individual is furnishing labor, services, or material.

**Detached sign**

**Article XI.  
Definitions**

Any sign not attached to or painted on a building, but which is affixed and permanently attached to the ground and which is not a monument sign as defined herein. “Permanently attached” as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation or other support anchored in the ground.

**Directional sign**

- (1) A sign permanently erected or permitted directing an individual to a location of ingress or egress to or from the property.
- (2) A sign permanently erected or permitted identifying a building or buildings.

**Directory sign**

A sign interior to the property listing only the names and/or uses, or locations of more than one business, activity, or professional office conducted within a building, group of buildings, or commercial center or office park.

**Election sign**

A sign relating to a candidate for political office or a measure scheduled for election.

**Facade sign**

A sign consisting of letters and graphics applied directly to the façade of the building, within the single external sign band or zone designated on the façade of a building.

**Face of sign**

The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-

illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed ad part of the sign structure.

**Fixed projecting sign**

A sign affixed to the exterior wall of a building or structure with the sign face(s) not parallel to the plane of such wall.

**Flat sign**

A sign erected parallel to and extending not more than 12 inches from the façade of any building to which it is attached and supported throughout its entire length by the façade and not extending above the façade.

**Freestanding sign**

A sign supported by a sign structure secured in the ground that is wholly independent of any building, fence, vehicle, or object other than the sign structure for support.

**Hanging sign**

A sign that hangs down and is supported by or attached to the underside of a canopy, awning, marquee, or extension of a structure.

**Height of sign**

The vertical distance measured from the nearest crown of the adjacent road to the top of the sign face or sign structure, whichever is greater.

**Incidental sign**

**Article XI.  
Definitions**

A sign, generally informational, that has a purpose secondary to the use of the site on which is it located, such as parking, entrance, loading only, and similar information and directives.

**Marquee**

A covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

**Monument sign**

A freestanding, self-supported structure not attached or affixed in any way to a building or any other primary structure, and with concealed means of support that is ground mounted.

**Multi-family office sign**

A sign identifying the location of the management office of a multifamily residential property.

**Multi-tenant center sign**

Any shopping center, office center or business center in which two (2) or more occupancies abut each other or share common parking facilities or driveways or are otherwise related.

**Noncommercial sign**

A sign that does not contain copy that advertises the availability of any merchandise, service, institution, residential area, entertainment, or activity.

**Obsolete sign**

A sign for a business or purpose that no longer exists.

**Off-premises sign**

**Article XI.**  
**Definitions**

A sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. An off-premises sign is the principal use of the property on which it is located. It may also be referred to as a "billboard." This definition includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver or its contents.

**On-premises sign**

A sign that is located on the premises of the occupant, business, or property identified on the sign. The occupant, business, or property is the principal use of the property, and the sign is an accessory use of the property on which it is located.

**Painted sign**

A sign painted directly on any exterior portion of a structure.

**Point of sale sign**

Any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.

**Pole sign**

A sign erected upon a pole, poles, post, or "pole-like" structure that is visible and wholly independent of any building or structure for support.

**Political sign**

Any sign erected for the purpose of an election campaign.

**Portable sign**

Any sign not attached to or painted on a building and not affixed or permanently attached to the ground.



**Projected sign**

Any image projected onto any surface or into the sky for the purpose of drawing the attention of the public or identifying an establishment, product or service.

**Projecting sign**

Any sign which is an independent structure, which is attached to the building wall, and which extends at any angle from the face of the wall.

**Real Estate leasing sign**

A sign erected by the owner or his or her agent advertising the premises or real property upon which the sign is located for rent or lease.

**Real Estate for sale sign**

A sign erected by the owner or his or her agent advertising the real property upon which the sign is located for sale.

**Restrictive Covenant**

A clause in a deed or lease to real property that limits what the owner of the land or lease can do with the property.

**Roof sign**

A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

**Snipe sign**

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

**Special event sign**

A temporary or banner sign that carries a message regarding a special event or activity for which a special event permit or seasonal sales permit is required and has been obtained.

**Structure (Sign)**

A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed, or applied; however, this definition shall not include a building or fence.

**Suspended signs**

A sign that is suspended from the underside of a horizontal plane surface and supported by same surface.

**Temporary sign**

Any sign to be displayed for a limited period of time.

**Vehicle sign**

Any sign attached, either permanently or temporarily, to any type of vehicle.

**V-shaped point of sale sign**

A point of sale sign with two sign faces, which is constructed of solid materials in the form of a “v”.

**Wall sign**

Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building.

**Window sign**

A sign located on the inside of a window or within a building or other enclosed structure, where the sign face is visible and legible from the exterior through a window or other opening.

**Yard sale signs**

Signs advertising yard or garage sales.

**Single-family**

A building designed exclusively for occupancy by one family with cooking and sleeping areas.

**Single-use development**

A tract of land, building, or project area developed with one primary use category, such as residential; commercial and retail; office; institutional; or public.

**Site**

A parcel of land which is to be developed as a single unit, subdivision, or project.

**Site plan**

A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, lighting, signs, interior vehicular and pedestrian access, the provision of improvements, landscaping and open space and the interrelationship of these elements.

**Special event**

Circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the

customary or usual activities generally associated with the property where the special event is to be located.

**Start of construction**

For other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Storage, Outdoor**

Any outdoor lot that is primarily uses for the storage of goods and materials.

**Storage and wholesaling facility**

Any premises where the principal use is the storage of goods and materials, or the sale of goods and materials in bulk quantities primarily for purposes of resale.

**Storage warehouse**

A structure which is designed and used for the containment of bulk products or materials of either dry, liquid, or cold storage nature and where goods are received and/or stored for delivery to an ultimate customer at remote locations primarily for the purpose of resale.

**Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over five feet above the average level of the finished ground surface adjoining the exterior walls of such building, or if it is occupied for business or dwelling purposes.

**Street**

A public or private right-of-way used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. The dedication of half-streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the dedication on the remaining half shall be required.

**Structure**

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

For floodplain management purposes a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Structural alterations**

Any change, except for repair, or replacement of the structural members of a building, including but not limited to, bearing walls, column, beams or girders, but where no additional facilities of floor space are added thereto.

**Subdivision**

The division of any tract or parcel of land into 3 or more parcels.

**Substantial damage**

Damage of any origin sustained by a structure during a five-year period whereby the cumulative cost of restoring the structure to its before damaged condition would equal or exceed 40 percent of the market value of the structure before the damage occurred. This term also includes repetitive loss structures. See definition of substantial improvement for an explanation of the procedure to be utilized for the purpose of calculating substantial damage.

**Substantial improvement**

Any combination of reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a five-year period, the cumulative cost of which equals or exceeds 40 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage” regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of

calculating substantial improvements and/or substantial damage, the following procedure shall be utilized:

(a) The costs of the improvements or repairs for a project shall be obtained from one of the following sources:

- (1) Detailed cost estimate of the improvements or repairs from the licensed general contractor of record.
- (2) A cost estimate prepared using professional construction estimation software, such as R.S. Means or the Federal Emergency Management Agency's substantial damage estimation program, as prepared by a licensed architect or engineer.

(b) Any one of the following sources will be considered acceptable estimates of market value:

- (1) An independent appraisal by a professional appraiser licensed by the State of Florida. The appraisal must exclude the value of the land and not use the "income capitalization approach" which bases value on the use of the property, not the structure.
- (2) Detailed estimates of the structure's actual cash value, which shall equal the replacement cost of the building, minus depreciation percentage based on age and condition.
- (3) Property appraisals used for tax assessment purposes with an adjustment recommended by the Miami-Dade County Property Appraiser to reflect market conditions (adjusted assessed value).

(c) For structures in which the substantial improvement or substantial damage percentage is greater than or equal to 30 percent, a more precise market value estimate may be required.

**Sustainable**

The finite capacity of any place to support human activities, given a set of impacts that those activities have on the place. Once capacity is reached, the impacts of additional growth or activities harm the integrity of the place and impair its ability to function as intended.

**T**

**Telecommunications**

See Wireless Communications.

**Temporary event**

An event lasting not more than two (2) consecutive weeks during one (1) calendar year.

**Temporary conditional use permit**

A permit that is for a special purpose, granted to a purchaser of property that is the subject of an existing special use permit, for a limited period of time and under the same conditions and restrictions set out in the original conditional use permit.

**Townhouse**

A building or structure designed for or occupied by no more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof, providing two (2) direct means of access from the outside, and cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. A townhouse may include a building or structure in fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

**Traditional neighborhood development**

A development that offers a mixture of: housing types and prices; prominently sited civic or community building(s); and stores/offices/workplaces to provide a balanced mix of activities. Church and preschool/elementary school facilities are encouraged. A traditional neighborhood development has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge.



**Trailer**

A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

**Transit stop**

A designated location that provides passengers access to the transit system and/or a point of transfer between transit routes.

**Trees; large, medium and small**

Tree height categories where a Large Tree shall grow to a minimum height of 40 feet; a Medium Tree to a minimum height of 30 feet; and a Small Tree to a minimum height of 20 feet.

**U**

**Urban sprawl**

Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development.

**V**

**Variance**

A grant of relief from the requirements of this code.

**Vehicle sales/displays**

A business or commercial activity involving the display, rental and/or sale of used automobiles, small trucks and vans on a single parcel of land, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing, or boat and marine vessels, recreational vehicles, heavy equipment, mobile homes, and other vehicular or transport mechanisms and including vehicle service.

**Vehicle service, major**

Vehicle and boat repairs conducted entirely inside a building which include engine repairs where the cylinder head, pan or exhaust manifold is removed; steam cleaning of engines; undercoating; vehicle spray painting; auto glass repair and replacement; repair and replacement of transmission, differential, transaxles, shaft and universal joints, wheel and steering linkages and assemblies; rebuilding and upholstering the interior of vehicles; customizing, restoration or rebuilding of vehicles; chassis, frame, body, fender and bumper molding, straightening, replacement and finishing; and repairs involving extensive welding, racing of engines or lengthy or overnight idling of engines.

**Vehicle service, minor**

An activity conducted entirely within an enclosed structure primarily involved in servicing or repairing of automobiles, motorcycles, trucks, recreational vehicles and other similarly sized vehicular or transport mechanisms or heavy machinery. Vehicle services include washing, waxing, changing oil, tuning, installing mufflers or detailing, window tinting, shock absorbers, and painting.

**Veterinary clinics**

An establishment providing for the short-term care of domestic animals by a veterinarian when such is conducted wholly within a building having no provision for outside storage and for which the keeping of animals is limited to short-term medical care.

**Violation**

The failure of a structure or other development to be fully compliant with the requirements of this Code.

**W**

**Water use**

A use that cannot exist in another location and is dependent on the water by reason of the intrinsic nature of its operations, such as marinas, piers, and docks.

**Whip Antenna**

A cylindrical Antenna that transmits signals in 360 degrees.

**Wireless Telecommunications**

**Alternative Tower Structure**

A design mounting structure that camouflages or conceals the presence of an antenna or telecommunications tower, for example, flag poles, manmade trees, clock towers, bell steeples, light poles, utility poles and similar alternative designs.

**Antenna**

A transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in wireless telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other

communications signals including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.

**Array**

A group of up to twelve (12) Antennas that are either (i) mounted or side mounted on the rooftop of a building or rooftop structure(s); or (ii) directly or indirectly mounted on a telecommunications tower.

**Backhaul network**

The lines that connect personal wireless service facilities to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Broadcasting facility**

Any telecommunications tower or Antenna built primarily for the purpose of broadcasting AM, FM or television signals.

**Camouflaged facility**

A facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure in a manner that makes it not readily identifiable as a wireless communications facility. A camouflaged facility may or may not have a secondary function (e.g., bell tower, spire, flag pole, etc.). This term shall be synonymous with "stealth facility."

**Collocation**

The situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent Antenna. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets,

and other equipment associated with the location and operation of the Antennas.

**Commercial mobile radio services**

Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video.

**Equipment facility**

A room, cabinet, shelter, pedestal, build-out of an existing structure, building, or similar structure used to house ancillary equipment for a telecommunications tower or Antenna. Each such cabinet, shelter, or building shall be considered a separate equipment facility.

**Existing structure**

For the purposes of wireless telecommunications, a structure that exists at the time an application for permission to place an Antenna on a structure is filed with the City. The term includes any structure that can structurally support the attachment of an Antenna in compliance with applicable codes.

**Guyed tower**

A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

**Lattice tower**

A telecommunications tower that is constructed to be self-supporting by lattice type supports and without the use of guy wires or other supports.

**Microcell facility**

A telecommunications facility consisting of an antenna and related equipment which is located either on a telecommunications tower or

affixed to a structure in some fashion for the provision of wireless services.

**Microwave dish antenna**

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

**Monopole tower**

A telecommunications tower consisting of a single pole or spire self-supported on a permanent foundation, constructed without guy wires, ground anchors, or other supports.

**Personal wireless services**

Commercial Mobile Radio Services, unlicensed wireless services, and common Carrier wireless exchange access services, as defined under federal law, 47 U.S.C. §332(c)(7)(C), or as this definition may be amended from time to time, and includes but is not limited to, cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging service. Personal Wireless Services shall not be considered as Essential Services, public safety telecommunications, public utilities or private utilities.

**Pre-existing telecommunications tower**

A telecommunications tower for which a building permit has been properly issued prior to the effective date of this Code, including permitted telecommunications towers that have not yet been constructed so long as such approval is current and not expired.

**Preferred zoning districts**

The zoning districts within this Code in which the City provides a preference for the installation of Wireless Communications Facilities.

**Public safety telecommunications**

Any and all wireless communications to and from police, fire, and other emergency services operating within the City.

**Search Area**

The geographic area, in which a wireless communications facility must be located in order to provide FCC required coverage, as certified through an affidavit by a Radio Frequency engineer as to radio frequency waves or other such appropriate technical expert.

**Self-Support Tower**

*See Lattice Towers.*

**Service Provider**

Any person or business entity wishing to locate a telecommunications tower or antenna within the City limits to provide Personal Wireless Services.

**State of the Art**

Existing technology where the level of facilities, technical performance, capacity, equipment, components and Personal Wireless Service is equal to that developed and demonstrated to be as technologically advanced and generally available for comparable service areas in South Florida.

**Stealth facility or tower or stealth**

Any wireless communications facility or tower that is designed to blend into the surrounding environment. Examples of such facilities would include, but are not limited to, architecturally screened roof mounted antenna, building-mounted antenna painted to match the existing structure, antenna integrated into architectural elements, alternative tower structures or other similar structures.

**Telecommunications Act**

The Telecommunications Act of 1996, Pub. L No. 104-104, codified at 47 U.S.C., and as may be amended from time to time.

**Telecommunications services**

The offering of telecommunication (or the transmission, between or among points, specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received), for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Personal wireless telecommunications services shall not be considered as Essential Services, public utilities or private utilities.

**Telecommunications tower or tower**

Any structure, and support thereto, designed and constructed primarily for the purpose of supporting one or more Antennas intended for transmitting or receiving Personal Wireless Services, telephone, radio and similar communication purposes, including Alternative Tower Structure, Lattice, Stealth, Monopole, and Guyed Towers. The term includes radio and television transmission telecommunications towers, microwave telecommunications towers, common-carrier telecommunications towers, and cellular telephone telecommunications towers, among others. Poles are only a support structure and are not a telecommunications tower.

**Wireless Communications Facility**

Any equipment or facility used to provide Personal Wireless Service and may include, but is not limited to, Antennas, Towers, Equipment Facility, cabling, Antenna brackets, and other such equipment. Placing a Wireless Communications Facility on an Existing Structure does not cause the Existing Structure to become a Wireless Communications Facility. It also means Personal Wireless



**Article XI.  
Definitions**

Services facilities, as defined under federal law, 47 U.S.C. §332(c)(7)(C), as this definition may be amended from time to time, and includes, but is not limited to, Antennas and radio-transmitting Telecommunications Towers, and associated facilities used to transmit telecommunications signals. Poles are only a support structure and are not a Wireless Communications Facility. An open video system is not a Wireless Communications Facility to the extent that it provides video services; a cable system is not a Wireless Communications Facility to the extent that it provides cable service.

**Y**

**Yard**

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these land use regulations. The minimum depth or width of a yard shall be measured by the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**Yard; front**

A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth. Front yard depth shall be measured at right angles to the front line of the lot.

**Yard; rear**

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

**Yard; side**

A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

**Yard; side street**

The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

**Z**

**Zero lot line**

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**Zoning code**

An ordinance enacted by the City Commission pursuant to state law that sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the growth management plan of the City, which includes a zoning map, and complies with the provisions of the State of Florida.

**Zoning district**

Any district delineated on the official zoning district map of the City under the terms and provisions of this code, which may be amended from time to time, for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.

**Zoning map**

The map and any amendments thereto designating the zoning districts, incorporated into this ordinance by reference.

