

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: June 17, 2025

Second Reading Date: July 9, 2025

Presenter's Name and Title: Sue-ling Rosario, Senior Landscape Planner on behalf of the Department of Building, Planning and Zoning

Prepared By: Sue-ling Rosario, Senior Landscape Planner on behalf of the Department of Building, Planning and Zoning

Temp. Ord. Number: 1847

Item Description: **FIRST READING** of Temp. Ord. No. 1847, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES; MORE SPECIFICALLY BY AMENDING CHAPTER 3, ENTITLED "PROCESSES," AT SECTION 321, ENTITLED "ZONING CERTIFICATES OF USE," TO PROVIDE FOR PRORATED FEES FOR NEW BUSINESSES; AND FURTHER PROVIDE FOR THE ANNUAL RENEWAL OF ZONING CERTIFICATES OF USE, IN ORDER TO ENSURE THAT ALL EXISTING BUSINESSES IN THE CITY COMPLY WITH THE CITY'S LAND DEVELOPMENT CODE, THE CITY'S CODE OF ORDINANCES, BUILDING CODE AND LIFE SAFETY REQUIREMENTS, AND OTHER APPLICABLE CODE AND REGULATIONS, AND ULTIMATELY PROTECT THE CITY'S RESIDENTS AND CONSUMERS FROM THE HARMFUL EFFECTS OF ILLEGAL BUSINESS OPERATIONS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Nixon Lebrun, Building, Planning & Zoning Director)

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

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

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

Fiscal Impact: Yes ☐ No ☒

REMARKS: None

Content:

**Agenda Item Memo from the City Manager to City Commission
Ordinance TO1847**

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Miramar's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: an Ordinance of the City Commission of the City of Miramar, Florida, amending the Land Development Code of the City of Miramar, pursuant to Section 302 of said and Development Code and Section 166.041(3)(c)(2), Florida Statutes; more specifically by amending Chapter 3, entitled "Processes," at Section 321, entitled "Zoning Certificates of Use", to provide for prorated fees for new businesses; and further provide for the annual renewal of Zoning Certificates of Use, in order to ensure that all existing businesses in the city comply with the city's Land Development Code, the city's Code of Ordinances, Building Code and life safety requirements, and other applicable code and regulations, and ultimately protect the city's residents and consumers from the harmful effects of illegal business operations; making findings; providing for repeal; providing for severability; providing for correction of scrivener's errors; providing for codification; and providing for an effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Miramar is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Miramar is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Section 163.3164, F.S., and Development Agreements, as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, F.S.;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

- c. Sections 190.005 and 190.046, F.S., regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Miramar hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The Amendment will update Section 321, entitled "Zoning Certificate of Use", which is designed to implement procedures for annual renewal of Zoning certificate of use ("ZCU"). The intent of the Amendment is to require an annual renewal process to ensure that existing businesses and uses, including changes, remain compliant with the city's LDC, Code of Ordinances, Building Code and life safety requirements, and other applicable codes and regulations. The Amendment is consistent with the goals and policies of the City's Comprehensive Plan and the review standards of Section 302 of the LDC.

This Amendment will serve the interest of the public by significantly improving its ability to proactively monitor business operations, identify non-compliance early, and take corrective action when necessary. This measure will enhance the overall health, safety, and welfare of the community, ensuring that businesses operate in a manner that complies with all zoning laws and safety standards.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Miramar, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Miramar's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

This ordinance will have a renewal application fee of \$150 with an estimated revenue of \$55,000 per year. The city's regulatory costs will be offset by the fee revenue generated and will cover indirect and direct costs associated with the review/inspection process conducted by the city (the staffing, time, and resources required to review applications, conduct inspections, and manage the overall process). The exact amount of revenue can fluctuate based on the number of businesses operating in the city at any given year.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:


Based on current trends, the city has received an average of 350-400 ZCU applications each year for the last 3 years. However, it is anticipated that the number of applications could increase as businesses established prior to 2010 were not required to obtain a ZCU.

4. Additional information the governing body deems useful (if any): The Amendment will attest to the City's unwavering commitment to promote public health, safety, and welfare by ensuring that businesses continuously meet the City's zoning, building, and life safety standards all while maintaining community standards and aesthetic quality.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Nixon Lebrun, Director of Building, Planning and Zoning Department

DATE: June 11, 2025

RE: FIRST READING of Temp. Ord. No. 1847, amending Chapter 3 of the City of Miramar Land Development Code, updating Section 321, "Zoning Certificate of Use," to establish procedures for annual renewal.

RECOMMENDATION: The City Manager recommends that, in accordance with Section 166.041(3)(a), Florida Statutes ("F.S."), and the related policies of the City's Comprehensive Plan, and Section 302 of the City of Miramar's (the "City") Land Development Code ("LDC"), the City Commission reviews and, upon due consideration of the Staff Report, the recommendation by the Planning and Zoning Board and public testimony, if any, approves the accompanying ordinance to amend to the text of Section 321, "Zoning Certificate of Use," Chapter 3, "Processes," of the City's LDC ("the Amendment"). Specifically, the Amendment will update the aforementioned section to establish procedures for annual renewal of zoning certificates of use ("ZCUs"). The express intent of the Amendment is to provide for prorated fees for new businesses, require an annual renewal process to ensure that business occupancies and uses, and changes of existing business occupancies and uses, continue to comply with the City's LDC, Code of Ordinances, Building Code and life safety requirements, and other applicable codes and regulations. The Amendment is consistent with the goals and policies of the City's Comprehensive Plan and satisfies the review standards of Section 302 of the LDC.

ISSUE: Section 166.041(3)(c)(2), F.S., and Section 302 of the City's LDC provide that text amendments to the City's LDC shall be accomplished by ordinance of the City Commission. In reviewing a proposed amendment, the City Commission shall take into account the written staff report summarizing the proposed language including all relevant documents, facts, and analysis, the recommendation of the Planning and Zoning Board, the City's Local Planning Agency, oral and written comments received before or at the

public hearings, and the extent to which said amendment is consistent with the Goals, Objectives and Policies (“GOPs”) of the City’s Comprehensive Plan and complies with the general purpose and standards of the LDC. In accordance with the requirements of Section 302.5 of the City’s LDC, this Amendment was reviewed and recommended for adoption by the Planning and Zoning Board at its duly advertised public hearing held on June 10, 2025. As required by Section 166.041(3)(c)(2), F.S. and Section 302.6 of the City’s LDC, the Amendment is being placed on this meeting agenda so the City Commission can hold the required public hearings to discuss and adopt the ordinance to enact same.

BACKGROUND: On November 10, 2009, the City Commission of Miramar adopted Ordinance No. 10-03, amending the City’s LDC to establish the regulatory framework for ZCU requirements. The adoption of this ordinance formalized a uniform process for verifying that commercial businesses within the City comply with applicable zoning, building, and life safety regulations prior to the commencement of business activities.

The primary purpose of the ZCU is to serve as an official determination that a proposed business use is legally permissible at a given location based on the underlying zoning designation. It also functions as a safeguard to ensure compliance with key regulatory standards essential to the public health, safety, and welfare. Issuance of a ZCU confirms that the business satisfies the following critical requirements:

- **City Land Development Code:** The proposed use is permitted within the applicable zoning district and conforms to all relevant provisions of the City’s Zoning Ordinance.
- **Florida Fire Prevention Code:** The business premises meet all state-mandated fire safety requirements, including, but not limited to, the installation and maintenance of fire alarms, emergency exits, and fire suppression systems.
- **Florida Building Code:** The business must meet the requirements of the Florida Building Code, which governs the construction, occupancy, and safety of buildings. This ensures that the structure is safe for the type of business operation and its intended use.

As part of the ZCU approval process, verification is also obtained that the subject property has been issued a valid Certificate of Occupancy (CO) corresponding to the intended use or occupancy classification. This serves as formal confirmation that the premises have undergone all necessary inspections and are in compliance with applicable codes prior to being lawfully occupied.

The implementation of the ZCU requirement represents a critical regulatory tool for the City. It ensures that business establishments not only adhere to the City’s land use standards but also operate within a built environment that is safe, code-compliant, and legally authorized for their specific use.

DISCUSSION: Since the adoption of the ZCU requirements in 2009, the City has continued to observe challenges related to unauthorized changes in business use or occupancy. While the ZCU process was established to ensure compliance with zoning, building, and life safety regulations at the outset of business operations, it does not, in and of itself, prevent subsequent unauthorized modifications. Increasingly, businesses are altering their operations without submitting the necessary notifications to the City or undergoing required inspections and approvals. Such unpermitted changes in use or occupancy can result in businesses operating in spaces that are not legally or structurally suited for their current activities. These unauthorized uses may occur in locations that fail to meet applicable zoning regulations, violate building or fire codes, or otherwise pose a risk to public health and safety. In some instances, commercial activities have been conducted in buildings originally constructed for non-commercial purposes, compounding the potential hazards and further circumventing the City's regulatory oversight. Exacerbating the situation, businesses that were established prior to the adoption of Ordinance 10-03 were not subject to the ZCU requirement, thereby limiting the City's ability to ensure consistent regulatory oversight across all commercial operations.

This lack of compliance undermines the City's ability to effectively enforce its land development regulations and life safety codes. Without timely notification and City review, these unauthorized changes can persist undetected and unabated for years, increasing the likelihood of unsafe and unregulated business practices. The enforcement gap created limits staff's ability to proactively address violations and ensure that commercial uses remain consistent with the City's adopted land development regulations. Another contributing factor to this issue is that some property owners permit new or existing tenants to operate without first confirming the validity of a current ZCU. This practice facilitates the continuation of unapproved and potentially illegal business activities, and in doing so, weakens the integrity of the City's regulatory enforcement framework. Absent proper oversight and strengthened safeguards, these actions present ongoing challenges to the City's ability to uphold its land development standards, protect public safety, and maintain the orderly development and use of commercial properties within the City.

ANALYSIS: In recent years, the City of Miramar has experienced sustained growth in commercial activity, as reflected in the volume of ZCU applications processed by the Department. Over the past two years, the Department has reviewed and issued an average of 350 to 400 ZCUs annually for newly established businesses. This upward trend underscores the need for more robust mechanisms to ensure ongoing compliance beyond initial issuance. To address this growing demand and strengthen oversight, the adoption of the proposed amendment to Section 321, "Zoning Certificate of Use," of the LDC establishes an annual renewal requirement of all ZCUs. Although Section 321 currently provides a standardized procedure for initial ZCU issuance, it does not require any subsequent review or re-verification of compliance. Moreover, it does not account for

the number of businesses established prior to 2010 that were not subject to the ZCU requirement. The proposed Amendment enhances this process by mandating annual renewals, thereby creating a recurring opportunity for City staff to confirm that businesses remain in continuous compliance with applicable zoning regulations, building codes, and life safety standards throughout their operation. The annual renewal process will also enable the Department to more effectively monitor changes in use or occupancy, which may otherwise go unreported under the current system. In the absence of such a mechanism, businesses that fall out of compliance with safety standards, such as fire prevention measures or structural integrity provisions, may potentially operate illegally and undetected, placing both the public and employees at unnecessary risk.

The introduction of an annual renewal requirement will significantly improve the City's ability to proactively identify non-compliant businesses, facilitate timely enforcement, and prevent hazardous conditions before they escalate. It will also promote greater coordination among City departments involved in code compliance, zoning, and public safety. Ultimately, this measure represents a strategic enhancement to the City's regulatory framework. By instituting a system of periodic review, the City Commission will reinforce its commitment to public safety, orderly development, and responsible business operation. The Amendment will serve not only as a compliance tool but also as a mechanism to support the overall health, safety, and welfare of our City.

Temp. Ord. No. 1847

4/28/25

6/10/25

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES, MORE SPECIFICALLY BY AMENDING CHAPTER 3, ENTITLED "PROCESSES," AT SECTION 321, ENTITLED "ZONING CERTIFICATES OF USE," TO PROVIDE FOR PRORATED FEES FOR NEW BUSINESSES; AND FURTHER PROVIDE FOR THE ANNUAL RENEWAL OF ZONING CERTIFICATES OF USE, IN ORDER TO ENSURE THAT ALL EXISTING BUSINESSES IN THE CITY COMPLY WITH THE CITY'S LAND DEVELOPMENT CODE, THE CITY'S CODE OF ORDINANCES, BUILDING CODE AND LIFE SAFETY REQUIREMENTS, AND OTHER APPLICABLE CODE AND REGULATIONS, AND ULTIMATELY PROTECT THE CITY'S RESIDENTS AND CONSUMERS FROM THE HARMFUL EFFECTS OF ILLEGAL BUSINESS OPERATIONS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in compliance with state law, the City Commission of the City of Miramar ("City Commission") adopted in 1989 its Comprehensive Plan, as amended, in order to guide and manage future development within the City of Miramar ("City"); and

WHEREAS, in order to implement the Comprehensive Plan, the City Commission adopted in 1996 a set of land development regulations, which are codified in the City's Land Development Code ("LDC"); and

WHEREAS, on November 10, 2009, the City Commission adopted Ordinance No. 10-03, amending the City's Land Development Code (LDC) to create requirements for Zoning Certificate of Use (ZCU), to regulate business operations within the City; and

Ord. No. _____

WHEREAS, Section 321 of the City's LDC established a uniform procedure for granting and issuing ZCUs, ensuring that businesses operate in compliance with the City's zoning laws and development standards; and

WHEREAS, the City Commission recognizes that changes in business use and occupancy often occur without prior notification to the City, which may result in businesses operating in spaces that are not suitable or compliant for the new use; and

WHEREAS, such unreported changes in business operations can lead to the use of premises that fail to meet the required development standards for the specific type of business, as well as to the non-compliance with building code and life safety regulations that apply to the new use; and

WHEREAS, the City Commission finds that the operation of businesses in violation of applicable land use, zoning requirements, and life safety standards creates significant risks to the health, safety, and welfare of the City's residents, employees, and visitors, particularly in regard to fire safety, structural integrity, and overall public safety; and

WHEREAS, the City Commission further finds that property owners who permit businesses to operate on their premises without ensuring verification of a valid Zoning Certificate of Use contribute to the proliferation of potential illegal or unsafe business operations, thereby complicating enforcement and regulatory efforts; and

WHEREAS, the City Commission acknowledges that the current ZCU process, while effective in many respects, does not adequately address the ongoing need for

compliance when businesses undergo changes in use or occupancy without notifying the City or completing the necessary inspections; and

WHEREAS, the City Commission has determined that the establishment of an annual renewal ZCU requirement will enable the Building, Planning, and Zoning Department (the “Department”) to better monitor changes in business use and occupancy, providing a more proactive and continuous approach to compliance; and

WHEREAS, the proposed annual renewal process will enhance coordination among City staff, enabling more effective identification, tracking, and enforcement of businesses operating outside the parameters of their approved zoning, and will streamline efforts to address illegal or non-compliant business activities; and

WHEREAS, the City finds that implementing an annual ZCU renewal requirement will promote public health, safety, and welfare by ensuring that businesses continuously meet the City's zoning, building code, and life safety standards; and

WHEREAS, the Department found the Amendment to satisfy the general purpose and standards of Section 302 of the LDC concerning the review of text amendments to the LDC and to be consistent with, and to further the goals, objectives, and policies of the City’s Comprehensive Plan; and

WHEREAS, The City Manager concurred with the Department’s findings of fact and recommended adoption of the Amendment; and

WHEREAS, Section 107 of the City's LDC provides that the Planning and Zoning Board ("Board"), shall have the powers and duties to review and make recommendations to the City Commission regarding text amendments to the City's LDC; and

WHEREAS, Section 302 of the City's LDC provides that the Board shall hold one (1) properly noticed public hearing to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as summarized in the City Manager's memo, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, forward a recommendation to the City Commission; and

WHEREAS, pursuant to 166.41(3)(c)(2), Florida Statutes ("F.S.") and Section 302 of the City's LDC, notification of the Amendment was published in the *Sun Sentinel* to advise that interested parties may appear at the meeting and be heard with respect to the Amendment or submit written comments to the Department prior to the public hearing, which written comments will be included in the record of the public hearing; and

WHEREAS, the Board held a duly noticed public hearing on the Amendment on _____, 2025, and, after due consideration of all matters, found the Amendment to comply with the pertinent review criteria of Section 302 of the City's LDC and to be consistent with the City's Comprehensive Plan, and subsequently voted to recommend adoption of the Amendment by the City Commission; and

WHEREAS, Section 302 of the City's LDC provides that the City Commission shall hold two (2) properly noticed public hearings, pursuant to the notification procedures of

Section 166.41(3)(c)(2), to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as contained in the City Manager's memo, the Board's recommendation, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, vote to adopt the ordinance enacting the Amendment; and

WHEREAS, the City Commission held two duly noticed public hearings on _____, 2025, and on _____, 2025, and, after due consideration of all matters, found the Amendment to comply with the pertinent review criteria of the City's LDC and to be consistent with the City's Comprehensive Plan; and

WHEREAS, based upon the record developed at two (2) public hearings, the City Commission found and declared that the proposed Amendment to amend Chapter 3 of the City's LDC by amending Section 321 "Zoning Certificate of Use" to require an annual renewal process to ensure business occupancies and uses, and changes of existing business occupancies and uses continue to comply with the city's LDC, Code of Ordinances, Building Code and life safety requirements, and other applicable codes and regulations, would best serve the interests of the City and its residents;

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

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Findings: That the City Commission of the City of Miramar, Florida, hereby finds the proposed Amendment to the Land Development Code of the City’s Land Development Code at Chapter 3, entitled, “Processes” to update Section 321 entitled, “Zoning Certificate of Use,” to provide for prorated for new businesses and establish procedures for annual renewal of Zoning Certificates of Use, to comply with the applicable standards of the City’s Land Development Code for the review of text amendments, and to be consistent with the City’s Comprehensive Plan.

Section 3: Adoption: That the City Commission of the City of Miramar, Florida, hereby passes and adopts the Ordinance enacting the proposed Amendment to the City’s Land Development Code, as incorporated herein.

Section 4: That Section 321 entitled, “Zoning Certificate of Use,” of Chapter 3, entitled, “Processes,” of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*

321.1.1. Generally. This section is intended to protect the city's residents and consumers from the harmful effects of illegal business operations by establishing a zoning certificate of use (ZCU) requirement, which shall provide a review procedure to ensure that all new and existing business occupancies and uses, and changes of

existing business occupancies and uses, comply with the city's LDC, Code of Ordinances, Building Code and life safety requirements, and other applicable codes and regulations. The director shall administer the ZCU program in coordination with the police chief, fire-rescue chief, code compliance manager, and other personnel of the city.

* * *

321.1.4. Term of Zoning Certificate of Use.

(a) Once issued, a ZCU shall remain valid for one (1) year commencing October 1 through September 30, unless otherwise revoked for cause or until there is a change of the use, business, business ownership, business name, or business location from that specified on the approved ZCU, or in the case of a non-conforming use, an abandonment or change of the use, business, business ownership, business name, or business location from that specified on the approved ZCU.

* * *

321.1.7. Fees. The director shall collect the ZCU fee, which shall be as provided in the city's adopted fee schedule. Unless otherwise provided, for each new zoning certificate of use obtained between October 1st and March 31st, the full fee amount shall be paid, and for new zoning certificate of use obtained from April first to September 30th, one-half (½) of the full fee amount for one (1) year shall be paid.

321.1.8. Existing Businesses; ~~Effective Date.~~ ~~All existing businesses, professions, and occupations requiring a ZCU, which hold a valid BTR as of January 27, 2010, the effective date of ordinance no. 10-03 from which this Code provision is derived, shall be considered to have an active ZCU. However,~~ All business owners operating within the City prior to the effective date of Ordinance No. 10-03, from which this Code provision is derived, shall be granted a one (1) year period from said effective date to obtain a valid Zoning Certificate of Use in accordance with the requirements set forth herein. All existing businesses, professions, and occupations requiring a ZCU as of January 28, 2010, shall make an application at the same time as their BTR is renewed. Nothing contained in this Code shall prohibit the revocation of a ZCU for existing businesses which fail to make application within the time period as required or which otherwise fail to comply.

321.1.9. Inspections. Any person applying for or obtaining a ZCU shall be subject to an inspection of the place of business to ensure compliance with all zoning regulations, life safety code requirements, and all applicable local and state regulations. For the purpose of enforcing the provisions, inspectors designated by the director, the building official, or the code compliance manager, shall have the right of inspection, provided that said inspection shall be reasonable and scheduled at the reasonable convenience of the

applicant or certificate holder and the inspector. Failure to obtain proper inspection of the premises shall be grounds for denial of a ZCU application or revocation of an existing ZCU. The city shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid ZCU and to ensure compliance with applicable city and county laws, under which the ZCU was issued.

* * *

321.3. Issuance and Display of Certificate.

* * *

h. A ZCU was issued in error and upon a finding by the Building, Planning and Zoning director that a certificate has been so issued, it shall be considered null and void.

* * *

321.4 Annual Renewal of Zoning Certificates of Use.

(a) Except for ZCUs issued on a temporary basis, zoning certificates of use shall remain valid for one (1) year commencing October 1 through September 30, unless otherwise revoked for cause. Businesses, professions, and occupations still operating shall renew a ZCU annually by completing and submitting a ZCU application form, along with the established and required fee, documents, and plans to the city by the applicant to the Building, Planning, and Zoning Department.

(c) A renewal will not be issued until:

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

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

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

(d) The ZCU is only valid for the specific address, business name, corporate name and type of business for which it was issued. A new ZCU shall be required for any changes in use, name or ownership interest, expansion of square footage occupied, the inclusion of additional uses, or when changes to the structure have been approved by final building inspection.

~~321.4.~~ 321.5 Additional violations. It shall be unlawful for a property owner to allow by lease, license, grant or other written or oral agreement, the use of any real property for the operation of a business without a valid and current ZCU. Violations of this section shall be subject to prosecution and enforcement pursuant to section 2-330 et seq. of the City Code.

Section 5: Repeal. That all sections or parts of sections of the LDC of the City, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 6: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 7: Interpretation. That it is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Amendments made to the Ordinance on second reading are double underlined. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8: Scrivener's Error. The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 9: Codification. That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 10: Effective Date. This Ordinance shall become effective immediately upon adoption.

Temp. Ord. No. 1847

4/28/25

6/10/25

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Maxwell B. Chambers

Commissioner Avril Cherasard

Vice Mayor Yvette Colbourne

Commissioner Carson Edwards

Mayor Wayne M. Messam

Voted
