

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

First Reading Date: July 8, 2026

Second Reading Date: September 2, 2026

Presenter's Name and Title: Frensky Magny, Assistant Director, on behalf of the Department of Building, Planning and Zoning

Prepared By: Frensky Magny, Assistant Director, Building, Planning and Zoning Department

Temp. Ord. Number: 1869

Item Description: FIRST READING OF TEMP. ORDINANCE #O1869, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 THEREOF AND SECTION 166.041(3)(A), FLORIDA STATUTES; SPECIFICALLY BY AMENDING CHAPTER 3, ENTITLED "PROCESSES," TO ADD NEW SECTION 326 ENTITLED, "CERTIFICATES OF RE-OCCUPANCY," SUBJECTING ALL TRANSFERS OF RESIDENTIAL PROPERTY IN THE CITY OF MIRAMAR TO THE ISSUANCE OF A CERTIFICATE OF RE-OCCUPANCY; MAKING FINDINGS; PROVIDING FOR INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR RESTRICTION ON INSPECTION; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Building, Planning & Zoning Assistant Director Frensky Magny)*

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk: N/A

Public Notice – As required by the Sec. 301 of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on 5/30/2026 in a newspaper ad in the Sun Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

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

Fiscal Impact: Yes No

Exempt from Business Impact Estimate: Yes No

REMARKS: NONE

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1869**

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 ("LDC") of the City of Miramar, pursuant to Section 302; by amending and adding a new Section 326, "Certificates of Re-Occupancy," subjecting all transfers/sale of residential property in the City of Miramar to the issuance of a certificate of re-occupancy; 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. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. 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 See Section 166.041(4)(c), Florida Statutes.

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 proposed amendment would establish a Certificate of Re-Occupancy program requiring residential properties to obtain City review and certification before the sale or transfer of title. The program is intended to identify known or observable zoning and life-safety concerns before a purchaser unknowingly inherits unpermitted work, unresolved violations, or unauthorized improvements after closing.

The amendment serves the public health, safety, morals, and welfare by promoting compliance with the City's zoning regulations, supporting construction consistent with Florida Building Code standards, helping eliminate substandard housing conditions, and preserving the character and integrity of residential neighborhoods. The program would apply to residential properties including single-family homes, condominiums, duplexes, triplexes, townhomes, and apartment complexes consisting of four or more units.

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

(a) The estimated direct compliance costs that businesses may reasonably incur would be approximately \$150-250 based on whether the request would be for normal or expedited timeframes.

(b) The proposed fee would be proposed in a subsequent resolution as part of the City's Schedule of User Fees and would only be imposed when the sale, purchase, conveyance, or transfer of title to any existing single-family, townhouse, duplex, triplex units, or apartment complex with four (4) units or more in the City.

(c) The estimated regulatory costs of the city could be approximately \$150,000 in revenue based on the minimum proposed fee amount for the application.

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

Based on staff's estimated application volume, the amendment is anticipated to affect approximately 1,000 residential property transactions annually.


4. Additional information the governing body deems useful:

Staff will begin implementing a phased rollout with an educational amnesty period leading up to full enforcement on January 1, 2027. Inspections for a Certificate of Re-Occupancy will happen within eight (8) working days after receiving an application. An expedited option may be requested to allow inspections within four (4) working days. If the property does not comply, the Department will provide the applicant with a written itemized list of zoning and life-safety code violations. The owner/seller must complete the required corrective actions to the reasonable satisfaction of the City. The Certificate of Re-Occupancy will not be issued until the identified violations are corrected and the property is brought into compliance. If the property complies the City will issue the Certificate of Re-Occupancy. Certificates of re-occupancy remain effective for 45 days from issuance. May be extended one (1) time for an additional 45 days.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

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

DATE: July 2, 2026

RE: FIRST READING of Temp. Ord. No. 1869 amending the Land Development Code ("LDC") of the City of Miramar to create a Certificate of Re-Occupancy Program subjecting all transfers/sale of residential property in the City of Miramar to the issuance of a Certificate of Re-Occupancy

RECOMMENDATION: The City Manager of the City of Miramar, Florida (the "City"), recommends that the City Commission adopts an ordinance enacting the proposed text amendment to the City's LDC, which adds new Section 326 entitled "Certificates of Re-Occupancy" to ensure that prior to conveyance or transfer of title, all existing residential properties in the City meet applicable residential occupancy requirements of the zoning district in which they are located and do not have previously existing and cited uncorrected life safety code violations ("Amendment").

ISSUE: Pursuant to Section 302 of the City's LDC, all text amendments to the LDC require review and adoption by the City Commission by ordinance, upon a finding of compliance with the applicable standards of the LDC, and upon consideration of the recommendation of the Planning and Zoning Board (the "Board") and the findings of facts of the City Manager's report. The Amendment was recommended for adoption by the Board at a duly noticed meeting on June 30, 2026, and is being placed on this agenda for City Commission's final consideration.

BACKGROUND: The Amendment was initiated in response to recurring concerns identified by the Building, Planning and Zoning Department ("Department") involving new residential property owners who, after purchasing properties in the City, later received notices of violation for unpermitted improvements. These improvements have included garage enclosures, additions to the primary structure, and other work resulting in increased square footage, in violation of life safety standards and zoning regulations.

In many instances, the affected property owners advised the City that they purchased the homes in their existing condition and were unaware that the improvements had been performed without the required permits or approvals. Several owners further expressed that these improvements enhanced the value desirability of the property at the time of purchase, but they were not informed before closing that such improvements may have been noncompliant or subject to any future action by the City.

When these owners attempted to correct the violations by submitting building permit applications after the fact, staff determined that certain unpermitted improvements also failed to comply with the City's LDC. As a result, property owners were required not only to pursue building permits, but also to seek zoning relief through the variance process for matters such as setback encroachments, driveway expansions, and other dimensional standards. For residential owner-occupied properties, these variance requests required review and approval by the Planning & Zoning Board (the "Board"), creating additional time, expense, and uncertainty for homeowners seeking to legalize conditions they did not create.

During several public Board hearings in 2024 involving residential variance requests related to unpermitted improvements, Board members discussed the need for a proactive process to help identify these issues before the time of property transfer/sale. Board members referenced Certificate of Re-Occupancy programs utilized by neighboring municipalities. The Board also expressed general support for exploring a proposed ordinance that would help ensure prospective purchasers are better informed of existing property conditions, unpermitted improvements, and potential zoning or life safety issues before completing the purchase of residential property.

Accordingly, the proposed ordinance is intended to establish a local review and certification process that promotes transparency, protects prospective homeowners, supports zoning and building code compliance, and provides the City with a more effective mechanism to identify and address unauthorized residential improvements before they result in post-closing enforcement issues.

DISCUSSION: The proposed amendment would establish a Certificate of Re-Occupancy program for residential properties within the City. The primary purpose of the amendment is to ensure life safety and compliance with the City's zoning regulations before the sale or transfer of residential property.

The amendment is intended to address circumstances in which residential properties may be transferred/sold with improvements, expansions, modifications, or other alterations that may not have received required zoning approvals or constructed with proper approvals consistent with applicable Florida Building Code standards. These conditions may affect zoning and life safety requirements, while also raising related concerns regarding unsafe or substandard housing.

The proposed Certificate of Re-Occupancy program would apply to residential properties, including single-family, condominium, duplex, triplex, townhouse dwelling units, and apartment complexes consisting of four or more units. The certificate would be required before sale or transfer of title. The seller, buyer, or designated agent would be required to apply to the city for an inspection.

The proposed amendment would be evaluated pursuant to Land Development Code Section 302.7, Standards for Reviewing Proposed Amendments to the Text of this Code, to determine whether the following standards are satisfied:

- (1) The proposed amendment is legally required; and
- (2) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan; and
- (3) The proposed amendment is consistent with the authority and purpose of this Code; and
- (4) The proposed amendment furthers the orderly development of the city; and
- (5) The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes public health, safety, welfare, and aesthetics; and
- (6) The proposed amendment improves the administration or execution of the development process.

ANALYSIS: Staff identified several examples from South Florida cities, including the City of North Miami and the City of Miami Gardens implementing similar programs. These cities apply their programs to residential dwelling units, including single-family homes, duplexes, triplexes, apartments with four or more units, and townhouse units. This amendment allows for a similar approach, as the city observed compliance issues involving these unit types.

The need for the amendment is also supported by the number of residential properties, residential sales data, and code-compliance enforcement cases. The city contains more than 30,000 single-family residential units and has recorded more than 3,400 building code-related violations as of June 1, 2026, including violations involving work performed without required permits. Data from the Miami Association of Realtors, MIAMI Realtors, and Florida Realtors regarding closed residential sales within City limits allows staff to estimate the anticipated volume of Certificate of Re-Occupancy applications. Based on this data, staff anticipates receiving approximately 1,000 applications annually under the proposed program.

Residential Property Sales in Miramar

Types of Units	2025	2024	2023	2022	2021
Single Family Homes	749	707	712	874	1,061
Condos/Townhomes	282	303	N/A	433	533

Source: Miami Realtors and Florida Realtors

Implementation will begin with a phased rollout with an educational amnesty period leading up to full enforcement on January 1, 2027. Inspections for a Certificate of Re-Occupancy will happen within eight (8) working days after receiving an application. An expedited option may be requested to allow inspections within four (4) working days. If the property does not comply, the Department will provide the applicant with a written itemized list of zoning and life-safety code violations. The owner/seller must complete the required corrective actions to ensure reasonable satisfaction of the City. The Certificate of Re-Occupancy will not be issued until the identified violations are corrected and the property is brought into compliance. If the property complies the City will issue the Certificate of Re-Occupancy. Certificates of Re-Occupancy remain effective for 45 days from issuance. May be extended one (1) time for an additional 45 days.

Staff reviewed the proposed Certificate of Re-Occupancy ordinance under LDC Section 302.7, which establishes the standards for reviewing amendments to the text of the Code. The proposed amendment satisfies the applicable criteria as follows:

(1) The proposed amendment is legally required:

The proposed amendment is legally required to the extent that the City seeks to establish, implement, and enforce a Certificate of Re-Occupancy program as a local regulatory requirement applicable to residential properties within the City. Since the program would require an applicant to submit for a Certificate of Re-Occupancy before the sale or transfer of title, the requirement must be formally adopted into the City's LDC.

(2) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan:

The proposed amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan, specifically the Housing Element. The amendment supports the City's efforts to preserve housing quality, maintain neighborhood integrity, and ensure that residential properties remain in lawful and safe condition before sale or transfer of title.

Housing Element Policy 1.7 - provides flexibility in the LDC to allow the development of affordable housing while preserving neighborhood and housing quality. By creating a process to identify zoning and life safety related compliance issues, the proposed amendment helps ensure housing quality and neighborhood stability.

Housing Element Policy 3.1 - calls for conserving existing housing units and maintaining the integrity of neighborhoods through vigorous code enforcement. The proposed Certificate of Re-Occupancy program advances this policy by establishing a proactive review process that allows the City to identify known or observable zoning and life-safety concerns before residential properties are transferred to new owners minimizing the conditions of substandard housing.

(3) The proposed amendment is consistent with the authority and purpose of this Code:

The proposed amendment is consistent with the authority and purpose of the LDC because it establishes regulations and procedures designed to ensure that residential properties are reviewed for life safety and zoning compliance prior to transfer of ownership. The amendment creates a Certificate of Re-Occupancy process through which the City may identify known or observable conditions affecting the status of residential properties. This amendment supports the City's authority to regulate development in a manner that protects residential neighborhoods and is consistent with the City's development standards.

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

The proposed amendment furthers the orderly development of the City by establishing a proactive review process to identify life safety and zoning concerns before residential properties are sold or transferred. The Certificate of Re-Occupancy is intended to reduce the after-the-fact permitting and zoning burden that may otherwise be placed on purchasers and future residents after closing.

Under current circumstances, a new property owner may receive notice of violation for work that existed before the property was purchased. In such cases, the owner may be required to obtain building permits after the fact, seek zoning approvals, apply for variance relief, correct unsafe conditions, or remove unauthorized improvements. This process can be costly, time-consuming, and frustrating for a purchaser who was unaware of the issue at the time of closing.

By requiring review before transfer of title, the proposed amendment shifts the identification of known municipal compliance concerns to a more appropriate point in the transaction. This allows the seller, buyer, and City to identify and address potential life safety or zoning violations before ownership changes.

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

The proposed amendment promotes sustainability and efficiency by establishing a reasonable and focused inspection process that is intended to identify life-safety and zoning concerns, visible or known conditions, that may be associated with unauthorized construction.

By addressing the concerns before transfer of title, the City can reduce post-closing disputes, assist purchasers in making informed decisions, and encourage correction of conditions that may otherwise affect occupants, neighboring properties, and the surrounding residential area.

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

The amendment improves administration of the development process by establishing a uniform procedure for application, inspection, review, and certification before residential property transfer/sale. It also provides greater predictability for property owners, purchasers, real estate professionals, and City staff.

Overall, the proposed Certificate of Re-Occupancy program provides a measured mechanism to protect prospective residential purchasers, promote compliance, reduce post-closing disputes, address substandard housing conditions, and preserve safe and stable residential neighborhoods.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 THEREOF AND SECTION 166.041(3)(A), FLORIDA STATUTES; SPECIFICALLY BY AMENDING CHAPTER 3, ENTITLED “PROCESSES,” TO ADD NEW SECTION 326 ENTITLED, “CERTIFICATES OF RE-OCCUPANCY,” SUBJECTING ALL TRANSFERS OF RESIDENTIAL PROPERTY IN THE CITY OF MIRAMAR TO THE ISSUANCE OF A CERTIFICATE OF RE-OCCUPANCY; MAKING FINDINGS; PROVIDING FOR INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR RESTRICTION ON INSPECTION; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE 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, the purpose of the LDC is to establish land development and use regulations that conform with, and are adequate to carry out, the City Comprehensive Plan; and

WHEREAS, recognizing the need to modernize and improve the City’s development regulations, the City undertook a comprehensive overhaul of the LDC in

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2016 and has continued to update and refine the Code in a phased and systematic manner to respond to evolving planning practices, legislative requirements, and community needs; and

WHEREAS, it is the further intent of the City's LDC and to further protect, promote and improve the public health, safety, comfort, general welfare, and quality of life of the residents, as well as the orderly and aesthetic development of the City to ensure the proper use and occupancy of residential buildings and to preserve and enhance the character, integrity, and livability of the City's residential neighborhoods; and

WHEREAS, along with the LDC, the City adopted an Official Zoning Map, which, as described in Section 401 of the City LDC, have been found to be conforming to, and adequate to carry out, the City Comprehensive Plan, Future Land Use Map and LDC; and

WHEREAS, Part IV of Chapter 553, F.S., also known as the Florida Building Codes Act, provides that the Florida Building Code ("FBC") be adopted, modified, updated, interpreted, and maintained by the Florida Building Commission as the single, unified state building code, pertaining to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in the State and to the enforcement of such requirements, in protection of the public health, safety for all the people in the State; and

WHEREAS, Part IV of Chapter 553, F.S., further provides that the FBC shall be applied, administered, and enforced uniformly and consistently by local governments in the State, as the Florida Legislature recognizes that they shall have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public health, safety, and welfare pursuant to Chapter 166, F.S.; and

WHEREAS, in compliance with this legislation, the City has been enforcing the FBC to ensure that no building within its jurisdiction is constructed, erected, altered, modified, repaired, or demolished without first obtaining a permit from the Building Division of the City's Building, Planning and Zoning Department ("Department"); and

WHEREAS, the City has a substantial interest in ensuring that residential properties are used, occupied, improved, and transferred in a manner consistent with the City's zoning regulations, land development regulations, building permit requirements, and other applicable City codes; and

WHEREAS, on several occasions, residential properties that have been illegally altered in violation of the City's LDC and the FBC, have been sold to buyers without their knowledge, as the seller failed to disclose the unpermitted alteration; and

WHEREAS, unpermitted work is usually caught when new owners apply for permits for unrelated projects, improvement and/or expansion to their properties, and ultimately leads to the issuance of building code violations and even the imposition of fines, costing these new owners time, money, and unnecessary stress; and

WHEREAS, new property owners have advised the City that they purchased residential properties in their existing condition and were unaware at the time of closing that certain improvements may have been unpermitted, noncompliant, or subject to future enforcement action by the City; and

WHEREAS, when it comes to sales of real property, Florida historically followed the legal theory of *Caveat Emptor* ("let the buyer beware"), under which the seller has no duty to disclose defects in the property, and the buyer takes the property "as-is;" and

WHEREAS, that law changed in 1985 when, in *Johnson v. Davis*, the Florida Supreme Court ruled that “where the seller of a *home* (emphasis added) knows of facts materially affecting the value of the property which are not readily observable and are not known to the buyer, the seller is under a duty to disclose them to the buyer,” and

WHEREAS, the disclosure requirement of that case law and its subsequent legal history include such material fact or latent defect as unpermitted permit and apply even where the buyer has agreed to purchase residential property “as-is;” and

WHEREAS, research from the National Association of Realtors (“NAR”) shows that approximately 1 in 5 homeowners have done unpermitted work on their home; and

WHEREAS, while most buyers are under the impression that the home inspector will be able to discover any unpermitted work, research from the NAR, however, has found that even the most seasoned home inspectors may miss unpermitted work if it is cleverly disguised; and

WHEREAS, while sellers are under a legal duty to disclose unpermitted work and any other known latent defect or fact materially affecting the value of a property, which is not readily observable to unsuspecting buyers, this does not always occur and it can take years before a buyer detects any such unpermitted work, which usually occurs when a permit is being pulled for unrelated home improvement; and

WHEREAS, the City is desirous to amend Chapter 3 of its LDC by adding a new Section 326, to be entitled “Certificates of Re-Occupancy” (“Amendment”); and

WHEREAS, the express purpose of the Certificate of Re-Occupancy is to ensure that, prior to the sale, purchase, conveyance, or transfer of title to any existing single-, two-, three- or four-family residential property, or to any dwelling unit in a condominium,

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the City is able to confirm that the property meets the current zoning requirements, and has not been altered, modified, or repaired without the proper building permits from the City; and

WHEREAS, a further purpose of the Certificate of Re-Occupancy is to ensure that prospective buyers are at least aware of the presence of any zoning violation(s) and/or unpermitted work prior to the sale of real property; and

WHEREAS, the City further finds that the proposed Ordinance will assist the City in continuing to eliminate substandard housing conditions, preserving the character and integrity of residential neighborhoods, discouraging unauthorized improvements, and promoting the orderly administration of the City's zoning, building, and code compliance processes; and

WHEREAS, it is not the intent of this Amendment to require a Certificate of Re-Occupancy for the original transfer or conveyance of a newly constructed single-, two-, three- or four-family residential property, or to any dwelling unit in a condominium, and for the transfer of any such property by virtue of a certificate of title issued after a foreclosure sale, except that it shall be required prior to any re-occupancy of such foreclosed property; and

WHEREAS, the Department evaluated the proposed Amendment and found it to satisfy the general purpose and standards set forth in Section 302 of the City's LDC, as it provides for the effective and reasonable protection for public health, safety, and general welfare of the community; and

WHEREAS, the Department further found this Amendment to be consistent with the City's Comprehensive Plan, as it fosters the orderly development of the City; and

WHEREAS, the City Manager concurred with the finding of facts contained in the Department's memoranda and recommended adoption of the Amendment; and

WHEREAS, pursuant to 166.041(3)(a), 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 hearings 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 thereof; and

WHEREAS, pursuant to Section 163.3174, F.S., which requires every municipality in the State to establish a local planning agency ("LPA") with all the powers and duties to review comprehensive plans and land development regulations, and amendments thereof, and to make recommendation to the governing body, Section 107 of the City's LDC has designated the Planning and Zoning Board (the "Board") as the City's LPA; and

WHEREAS, Section 302 of the City LDC provides that the Board shall hold one (1) properly noticed public hearing to consider and review the language of any proposed amendment to the City's LDC, the findings of fact from the Department's memoranda, and any public testimony, and, upon a finding that said amendment complies with the review criteria set forth for text amendments in the City's LDC and is consistent with the City's Comprehensive Plan, forward a recommendation to the City Commission; and

WHEREAS, in compliance therewith, the Board held a publicly noticed hearing on June 30, 2026, to consider and review the proposed Amendment; and

WHEREAS, upon reviewing the language of the proposed Amendment, the findings of fact from the Department's memoranda, and any public testimony received before, or at the hearing, the Board found the proposed Amendment to comply with the

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review criteria set forth for text amendments in the City's LDC, and to be consistent with the City's Comprehensive Plan; and

WHEREAS, after careful deliberation and due consideration of all matters, the Board unanimously voted to recommend approval of the proposed Amendment by the City Commission; and

WHEREAS, in furtherance of Florida law, the City's Charter, and the City's Code of Ordinances, Section 106 of the City's LDC provides that the Commission shall have the powers and duties to approve, approve with conditions or modifications, or deny any text amendment to the City's LDC, which shall be done by ordinance; and

WHEREAS, Section 302 of the City's LDC provides that the City Commission shall hold two (2) properly noticed public hearings to consider and review the language of any proposed amendment the City's LDC, the findings of fact from the Department's memoranda, and any public testimony, and, upon a finding that said amendment complies with the review criteria set forth for text amendments in the City's LDC, and is consistent with the City's Comprehensive Plan, adopt an ordinance to enact same; and

WHEREAS, in compliance with Section 302 of the City's LDC, as well as Section 166.041(3)(a), F.S., which specifically sets forth procedural requirements for the adoption of ordinances by municipalities, the City Commission held two (2) properly noticed public hearings on July 8, 2026, and on _____ 2026, to consider and review the proposed Amendment; and

WHEREAS, upon reviewing the language of the Amendment, the findings of fact from the Department's Report, the Board's recommendation, and any public testimony received prior to, or at the public hearings, the City Commission found the proposed

Amendment to comply with the review criteria set forth for the review of text amendment in the City's LDC, and to be consistent with the City's Comprehensive Plan; and

WHEREAS, after careful deliberation and due consideration of all matters, the City Commission further found the Amendment to protect prospective buyers entering into a contract for sale of real property from a seller's failure to disclose any latent defect or fact that may materially affect the value of the property, such as the illegal subdivision of such property in violation of the residential occupancy requirements of the zoning district in which it is located, or the alteration, modification or expansion of any premises thereon without the proper permits from the City in violation of the FBC's minimum standards for public health, life safety and property protection; and

WHEREAS, the City Commission determined that the Amendment would, in a fair and cost-sensitive manner, provide for the effective and reasonable enforcement of the occupancy regulations set forth in the City's LDC for residential zoning districts, as well as the requirements set forth in the FBC for public health, life safety and property protection; and

WHEREAS, based upon the record developed at these two (2) public hearings, the City Commission found and declared that the proposed Amendment to add a new Section 326 to be entitled "Certificate of Re-Occupancy," to ensure that, prior to the sale, purchase, conveyance, or transfer of title to any existing single-family, townhouse, duplex, triplex, condominium dwelling unit, or apartment complexes consisting of four or more units the City is able to confirm that the property meets the current zoning requirements, and has not been altered, modified, or repaired without the proper building permits from the City, would protect the public health, safety, comfort, and welfare of the residents of

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the City, and that it is in the best interest of the citizens and residents of the City to adopt the Ordinance enacting same.

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

Section 1: Recitals: That the foregoing “**WHEREAS**” clauses 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 Chapter 3, entitled “Processes,” of the City’s Land Development Code to add a new Section 326 to be entitled, “Certificate of Re-Occupancy,” to comply with the applicable review criteria set forth in the City’s Land Development Code, and to be consistent with the City’s Comprehensive Plan; which new section will establish procedural requirements to ensure that, prior to the sale, purchase, conveyance, or transfer of title to any residential property, the City is able to confirm that the property complies with the applicable residential occupancy requirements of the City’s Land Development Code, and that it has not been altered, modified, or repaired without the required building permits from the City.

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 Land Development Code, as incorporated herein.

Section 4: That Chapter 3, entitled “Processes,” of the City’s Land Development Code is hereby amended by adding a new section to be numbered 326 and to be entitled “Certificate of Re-occupancy, which said section shall read as follows:

Section 326.- Certificate of Re-Occupancy.

326.1. Purpose and Intent: It is incumbent upon the City to ensure that properties are constructed according to the minimum standards of this LDC and the FBC, as amended, for public health, life safety, and property protection. It is therefore the stated purpose and intent of this section to ensure that, prior to the sale, purchase, conveyance, or transfer of title to any existing residential property, the City is able to confirm that the property complies with the residential occupancy requirements of the zoning district in which it is located, and that it has not been altered, modified, or repaired without the proper building permits from the City.

326.2. Applicability: The requirements of this section shall apply to the sale, purchase, conveyance, or transfer of title to any existing single-family, townhouse, duplex, triplex units, or apartment complex with four (4) units or more in the City.

326.3. Exemption. The provisions of this section shall not apply to, and no enforcement action shall be brought with respect to, real estate transactions involving:

326.3.1. The original transfer or conveyance of a newly constructed single-family, townhouse, duplex, triplex unit, or apartment complex consisting of four (4) or more units; and

326.3.2. The transfer of a single-family, townhouse, duplex, triplex unit, or apartment complex with four (4) units or more by virtue of a certificate of title issued after a foreclosure sale, except that a certificate of re-occupancy shall be required prior to any re-occupancy of such foreclosed property.

326.3. Certificate re-occupancy required. All single-family, townhouse, duplex, triplex units, or apartment complex with four (4) units or more in the City shall comply with the following provisions:

326.3.1. It shall be unlawful for any person, firm or corporation to buy, sell, convey, or transfer, any single-family, townhouse, duplex, triplex units, or apartment complex with four (4) units or more owned by such person, firm or corporation, without first obtaining a certificate of re-occupancy from the Building, Planning and Zoning Department (the "Department"), as it may be renamed, reorganized, consolidated, or succeeded by another department, agency, office, or entity. The certificate of re-occupancy, if issued, shall state that the City has inspected the subject premises and has determined that:

326.3.1.1 The subject property is in compliance with the residential occupancy regulations of the zoning district in which it is located in that it is found to be designed, configured, or being used solely for the intended residential purposes of that zoning district; and

326.3.1.2. The subject property has not been altered, modified, or repaired without the proper building permits from the City.

326.3.2. It shall be unlawful for any person, firm or corporation to transfer or convey a single-family, townhouse, duplex, triplex units, or apartment complex with four (4) units or more, owned by such person, firm or corporation, without first disclosing by written notice to the buyer, grantee or transferee the fact that a certificate of re-occupancy is required in accordance with this section. Such notice shall be issued on a form to be provided by the City.

326.4. Application procedures. An application for a certificate of re-occupancy under this section shall be made by the seller, buyer, or authorized agent, upon a form provided by, and submitted to, the Department, along with the payment of a processing fee as well as an initial inspection fee, as established in the City's adopted Schedule of User Fees.

326.5. Determination process. Upon receipt of an application for a certificate of re-occupancy inspection and the payment of the initial inspection fee, an inspector from the Department, or the Department's designee, shall inspect the subject property within eight (8) working days. If the subject property be determined to be in compliance with the provisions of subsection 326.3, a certificate re-occupancy shall be issued, an expedited inspection may be requested. There shall also be a fee for expedited inspections, which shall be established by a separate resolution of the city commission. If, the subject property is not to be in compliance with such provisions, the department shall prepare an itemized list of all zoning and life safety code violations and notify the owner/seller in writing of the required corrective action(s). The certificate of re-occupancy shall be withheld unless and until such provisions are complied with, to the reasonable satisfaction of the City.

326.6. Fee for expedited inspection and re-inspection fee. The City shall impose a re-inspection fee, as well as an expedited fee for the initial inspection and all subsequent re-inspections, as per the City's adopted Schedule of User Fees, as amended, if a request is made for an inspection or re-inspection to be completed within four (4) working days of receipt of the application.

326.7. Conditional certificate of re-occupancy. A certificate of re-occupancy may not be issued should there be previously existing and cited uncorrected life safety code violations

on the property. In the event that there are previously existing and cited uncorrected life safety code violations, a conditional certificate of re-occupancy may be issued subject to terms set by the building official. The city manager shall have authority to enter into settlement agreements and issue the conditional certificates of re-occupancy, which shall be executed by the buyer and seller. The fee for a conditional certificate of re-occupancy shall be promulgated by the city. Prior to the issuance of the conditional certificate of re-occupancy, all code compliance fines must be satisfied.

326.8. *Open building permits.* No certificate of re-occupancy shall be issued for any property unless and until the property is in compliance with any outstanding notices of building code violation issued by the Department and until all open building permits have been closed.

326.9. *Payment of outstanding lien amounts.* No certificate of re-occupancy shall be issued for any property unless the property is in compliance with any outstanding warning notices or notices of violation issued by the city's code compliance division and until any and all city liens against the property have been satisfied.

326.10. *Time limitation of application.* Certificates of re-occupancy issued following initial inspections or re-inspections shall remain effective for 45 days from issuance. The effective period for such certificates may be extended one (1) time for an additional 45 days upon the payment of an extension fee as established in the city's adopted schedule of user fees, as amended. If the subject property is not transferred or conveyed, and the re-occupancy certification recorded, within the effective period of any certificate of re-occupancy, the owner/seller shall be required to reapply for a new certificate of re-occupancy.

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326.11. Recordation. Upon the closing of any transfer or conveyance of title of any residential property issued a certificate of re-occupancy pursuant to the provisions hereof, the city's original certificate of re-occupancy shall be recorded in the public records of Broward County, Florida, along with the deed or other title conveyance document for the subject property.

326.12. Amnesty period. In order to provide a reasonable period of education and transition in regard to the provisions contained herein, the provisions of this section shall apply to the sale, purchase, conveyance, or transfer of title to any existing residential property that occurs subsequent to January 1, 2027. Prior to that date, City staff will undertake steps to educate City residents and all affected persons and entities about this certificate of re-occupancy requirement and its implementation. Commencing January 1, 2027, all sale, purchase, conveyance, or transfer of title to any existing residential property shall comply with the provisions set forth herein, except as otherwise provided in subsection 326.3.

326.13. Penalties. Any residential property that is bought, sold, conveyed or transferred without first securing the certificate of re-occupancy required by this section shall thereafter be considered by the city to be a nonconforming property, which shall subject the property to all restrictions and limitations provided by the city Land Development Code and/or Code of Ordinances, until a fine equivalent to the expedited application fee, payable at the time the late application is filed plus any fines as may be assessed by special magistrate under code enforcement violation proceedings, has been paid and a certificate of re-occupancy has been issued.

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326.14. Information secured. Information gained or conditions observed in the course of any inspection conducted pursuant to the authority of this Ordinance shall not be utilized by the code compliance official of the city as the basis for the issuance of new citations or notices of violation other than those violations of the residential occupancy and usage regulations of the City Code applicable to the subject premises. However, this provision shall not preclude the initiation or institution of other enforcement actions brought upon the basis of information gained or violations observed by other lawful means.

326.15. Representation and warranty. A certificate of re-occupancy shall not constitute any representation or warranty as to the condition, or any aspect of such condition, of the subject property, for which the certificate of re-occupancy was issued. The city review and investigation made in connection with the issuance of any certificate of re-occupancy is neither a structural, electrical, plumbing, mechanical or any other substantive inspection of the structure on any property and does not represent that the premises conforms to the requirements of the Code of Ordinances, including, but not limited to, the building and technical code provisions adopted by the City.

326.16. Notice. All city responses to requests for lien or estoppel information regarding any residential property in the city shall contain a notice provision therein that a certificate of re-occupancy is required for prior to the sale, purchase, conveyance or transfer of title to all residential properties in the city, except as provided in section 326.3.

Section 5: Each and every section and subsection of Chapter 3 of the City of Miramar Land Development Code not revised herein shall remain in full force and effect as previously adopted.

Section 6: Repeal. That all sections or parts of sections of the Land Development Code 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 7: Severability. That 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 8: Interpretation. 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.

Section 9: 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 10: Codification. That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of 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.

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Section 11: Effective Date. This Ordinance shall become effective immediately upon adoption.

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PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Carson "Eddy" Edwards

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Maxwell B. Chambers	_____
Commissioner Avril Cherasard	_____
Commissioner Yvette Colbourne	_____
Vice Mayor Carson "Eddy" Edwards	_____
Mayor Wayne M. Messam	_____