

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE, AMENDING CHAPTER 16, "LAND DEVELOPMENT CODE," ARTICLE III "DEVELOPMENT REVIEW PROCEDURES;" BY AMENDING SECTION 16-51 "ON-SITE SIGN POSTING;" ARTICLE V "DISTRICT REGULATIONS;" BY AMENDING SECTION 16-79 "MASTER BUSINESS LIST;" ARTICLE VII "OFF STREET PARKING AND LOADING;" BY AMENDING SECTION 16-144 "AMOUNT OF OFF-STREET PARKING;" AMENDING SECTION 16-148 "OFF-STREET LOADING;" AMENDING SECTION 16-150 "LIGHTING REQUIREMENTS;" AMENDING SECTION 16-153 "VALET AND PREFERRED PARKING;" AMENDING ARTICLE X "WALLS, FENCES, AND BUFFERS;" BY AMENDING SECTION 16-191 "FENCES AND HEDGES IN RESIDENTIAL DISTRICTS;" ARTICLE XVII "TERMS DEFINED;" BY AMENDING SECTION 16-277 "DEFINITIONS;" PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to update various regulations within the Land Development Code; and

WHEREAS, the City Commission desires to modify the procedures for certification of on-site sign posting prior to a public hearing; and

WHEREAS, the City Commission desires to regulate businesses that provide tattooing, consistent with new licensing regulations in Florida Statutes for tattoo businesses; and

WHEREAS, the City Commission desires to allow special exception use permits for banquet halls; and

WHEREAS, the City Commission desires to regulate the amount of parking spaces required for different uses, including provisions for valet parking; and

WHEREAS, the City Commission desires to regulate the appearance of residential fences; and

WHEREAS, the City Commission desires to define certain terms used in the Land Development Code; and

WHEREAS, the City Commission held a noticed public hearing, at which all citizens so desiring had an opportunity to be heard; and

WHEREAS, the City's Local Planning Agency has reviewed this Ordinance and recommended its approval to the City Commission; and

WHEREAS, the City Commission finds that this Ordinance is consistent with the City's adopted Comprehensive Plan and necessary for the protection of the public health, safety and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 16-51 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-51. On-site sign posting.

~~(c) The sign(s) shall remain on the property until the final disposition of the application by the city commission and shall be removed within seven (7) days thereafter. The applicant shall certify that signage was posted on site in compliance with this section, and~~

shall remove the sign(s) within seven (7) days after final disposition of the application by the city commission.

~~(d) The applicant shall certify that signage was posted on site in compliance with this section.~~

Section 3. That section 16-79 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-79. Master Business List.

(a) *Purpose.* It is the intent of this article to provide, in tabular form for ease of reference, a listing of the uses that shall be permitted or prohibited in the B-1, B-2, B-3 and B-4 business districts. It is also the intent of this article to provide a list of the uses permitted in the B-5 Sunrise/Sawgrass office business district. These B-5 uses are listed in subsection (e) below. It is further the intent of this article to provide use, intensity and site design and procedural regulations for the B-6 Sunrise/Sawgrass mixed use business district; these regulations are set forth in subsection ~~(f)~~ (g) below. Permitted uses in the ~~B-6 Sunrise/Sawgrass mixed use B-7 office park~~ district are listed in subsection (f) below.

INSET TABLE

<i>Business Listings</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>
... <u>Banquet halls</u>			<u>*7</u>	
... Beauty salon or spa, hair, nails or skin care	<u>*12</u>	<u>*12</u>	<u>*12</u>	
... Health spa		<u>*1,12</u>	<u>*1,12</u>	<u>*1,12</u>
... Hospitals			<u>*7,12</u>	
... Medical offices or clinics for doctors, dentists, podiatrists and related professions ...	<u>*12</u>	<u>*12</u>	<u>*12</u>	<u>*12</u>

[Editor's note: *1 indicated enclosed use; *7 indicates a special exception use; *12 Tattooing.]

(d) *Supplemental regulations to Master Business List.* The numbers below correspond to the numbers on the Master Business List:

(12) ~~[Reserved.]~~ Tattooing: As defined in Sections 381.00771 through 381.00791, Florida Statutes, as amended from time to time, tattooing is permitted in B-2, B-3, B-4, and B-5 business zoning districts subject to the following limitations:

a. Ancillary uses. Tattooing shall only be permitted as an ancillary use to the following uses provided the other provisions of this section and any other requirements of federal, state and county law are met: Beauty Salon, Health Spa, Medical Office, and Hospital.

b. Prohibited Uses. Unless otherwise permitted by this section, tattooing and tattoo establishments shall not be permitted on any property as a principal or primary use.

Section 4. That section 16-144 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-144. Amount of off-street parking.

(a) The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

(16) Restaurants, bars, banquet halls, and night clubs: One (1) parking space for each fifty (50) square feet of floor area in rooms for customer service, except where a restaurant, bar, banquet hall, or night club is part of a shopping center with greater than fifty thousand (50,000) square feet of gross floor area, one (1) parking space for each seventy-five (75) square feet of floor area in rooms for customer service shall be required. Restaurant outdoor seating areas greater than two hundred (200) square feet shall be included in the customer service area calculation. Fast food restaurants shall provide one (1) space for every fifty (50) square feet of net (customer service) floor area with a minimum of twenty (20) spaces, plus sufficient area

for eight (8) stacking spaces measured from the first take-out window. In addition, a minimum of four (4) stacking spaces must be provided, measured from the menu board order station. Take-out food stores shall be considered retail stores; see (20) below.

- (19) Vocational schools or colleges and adult education facilities: One (1) per student.
- (20) *Retail stores, banks, household repairs or equipment shops, interior decoration shops, coin laundry, retail laundry, instructional schools*: One (1) parking space for each two hundred fifty (250) square feet of gross floor area, except shopping centers with over four hundred thousand (400,000) square feet and drive-in banks which shall have one (1) space per three hundred (300) square feet.
- (21) *Manufacturing and industrial uses, research and testing laboratories, bottling establishments, printing and engraving shops, wholesale warehouses, laundries laundry and dry cleaning plants, and storage buildings*: One (1) parking space for each six hundred (600) square feet of gross floor area of the buildings, except as provided below:

Section 5. That section 16-148 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-148. - Off-street loading.

(c) For the purposes of this article, an off-street loading space shall be ~~an area~~ at least ten (10) feet wide by forty (40) feet long with fourteen (14) foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve. The director of community development may authorize a smaller striped loading space for uses such as small retail stores and banks that clearly demonstrate, in writing, that a ten-foot by 40-foot loading space is not necessary to accommodate the size and type of shipping/delivery vehicles that they use. However, the smaller loading space shall be sufficient to accommodate shipping/delivery vehicles without encroaching into, or interfering with traffic circulation within, drive aisles or other parking spaces.

Section 6. That section 16-150 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-150. Lighting requirements.

All off-street parking facilities shall be illuminated according to the standards contained herein. Open off-street parking facilities shall include the surface of open-to-the-sky parking spaces, drive aisles, driveways and accessways. Enclosed off-street parking facilities shall include multilevel parking garages and covered grade-level parking facilities.

(2) *Operational requirements.*

a. Office buildings and retail centers shall operate open parking area lighting from dusk to dawn. One-half ($\frac{1}{2}$) light levels are permitted from midnight to dawn, if all businesses are closed during these hours.

Section 7. That section 16-153 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-153. Valet and preferred parking.

(a) The department may issue a permit for valet parking subject to the requirements set forth below.

- (3) *Parking areas.* The plan shall show all parking areas, including specifically designated parking spaces, intended to be used for valet parking. The plan shall indicate how the valet parking area shall be isolated from use by the general public. The placement of any signage barriers shall be shown on the plan. The operator shall submit documentation of the operator's right to use the valet parking areas, including an approved shared parking agreement, if applicable. The following limitation shall apply to all valet parking areas:

- g. Vehicles may not be parked overnight, except at hotels and multi-family residential properties.

Section 8. That section 16-191 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-191. Fences and hedges in residential districts.

(d) General regulations.

(7) Appearance: All fences shall be constructed of such materials so as not to be unsightly and shall be firmly anchored and affixed to the land so as not to cause a hazard to surrounding property. All fences within the city shall be properly maintained so as not to become unsafe or unsightly (see Chapter 12, City Code). The finished side of the fence shall face the abutting property or the street, as applicable. Wooden shadow box fences, permitted after March 1, 2013, shall be constructed with horizontal rails between the posts, such that both sides of the fence are finished sides.

Section 9. That section 16-277 of the Code of the City of Sunrise, Florida, is hereby amended to add the following definitions:

Antique: An object having special value or significance because of its age, made in a former period of at least 40 years ago. Such objects may include but are not limited to furniture, tableware, art, handicrafts, artifacts, linens, rugs, jewelry, curios, and vintage clothing and accessories.

Banquet hall: A facility where food and drink may be served for parties, wedding receptions, and other similar private social events, and which does not have a cover charge, door charge, required contribution, or one (1) time membership fee which is paid at the door.

Nightclub shall mean any commercial establishment which is determined to be a nightclub by application of the factors set forth in this definition. If a commercial establishment could reasonably be classified as either a nightclub or some different use, it shall be

deemed a nightclub for purposes of this Code. In determining whether an establishment is a nightclub, the following factors shall be considered:

(3) Banquet halls and amusement centers shall not be deemed nightclubs.

Secondhand: Objects and clothing of the modern period that have been previously used or worn.

Section 10. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 11. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 12. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 13. Effective Date. This Ordinance shall be effective on upon its passage.

PASSED AND ADOPTED upon this first reading this ____ DAY OF _____, 2013.

PASSED AND ADOPTED upon this second reading this ____ DAY OF _____, 2013.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

SECOND READING

MOTION: _____
SECOND: _____

MOTION: _____
SECOND: _____

ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
RYAN: _____

ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
RYAN: _____

Approved by the City Attorney
As to Form and Legal Sufficiency

Kimberly A. Kisslan