



1           **Section 2:** Section 030-030 “Definitions” is amended as follows:

2     For the purpose of this Article, certain terms and words are hereby defined.

3     *Acre:* A gross acre, as defined in Section 010-030.

4     *Artisanal use/studio:* Premises used primarily for the repair, manufacture and sale of  
5     domestic furniture and arts and crafts. The work must take place entirely within an  
6     enclosed structure using only hand-held and/or table-mounted manual and electric tools.  
7     The use may include manufacturing processes such as, but not limited to, enameling,  
8     painting, or plating.

9     *Awning:* Temporary canvas or other material covering extending from and attached to the  
10    facade of a building, without ground supports, primarily used for protection from the sun.

11    *Awning roof structure:* A semi-permanent canvas or other material covering with ground  
12    supports, open on all sides except where attached to a building.

13    *Balcon:* A small balcony that projects no more than one and one-half (1.5) feet from the  
14    facade of a building and no more than eight (8) inches from either side of a door or  
15    window.

16    *Balcony:* A platform that extends from the facade of a building and is enclosed by a railing  
17    or parapet wall.

18    *Buildable lot depth:* The depth of a lot after all right-of-way dedications are made, and  
19    excluding the minimum required BROWZ (as hereinafter defined) and rear setback, if  
20    applicable.

21    *Civic use:* Premises used primarily for education, cultural performances, gatherings and  
22    displays administered by not-for-profit cultural, educational, and religious organizations.

23    *Colonnade:* A roofed structure or upper floor balcony that extends over the pedestrian area  
24    and is open to the rights-of-way except for supporting columns or piers set at regular  
25    intervals supporting the roofed structure or balcony.

26    *Commercial use:* Premises used primarily for the conduct of retail, office, business,  
27    government service, artisanal, and food, beverage, and restaurant uses.

28    *Courtyard:* An open space area, typically located between adjacent buildings and  
29    containing walkways, landscaping, street furniture, or other pedestrian amenities.

30    *Facade:* The vertical surface of a building, set substantially parallel to a frontage line or  
31    lot line.

32    *Food and/or Beverage Carts:* For purposes of these regulations, a Food and/or Beverage  
33    Cart shall be defined as any portable vending device, pushcart, or other wheeled vehicle or  
34    device which may be moved without the assistance of a motor used for the displaying,  
35    storing or transporting of food and/or beverages offered for sale by a vendor.

36    *Frontage line:*

37       (1) The rear line of the Building Frontage or Building/ROW Zone (BROWZ), where  
38       such a zone is designated in Section 030-070; or

39       (2) The street line, where no BROWZ is designated in Section 030-070.

40    *Live/work building:* A building with one (1) or more ground floor work units, each of  
41    which is internally connected to a dwelling unit located behind the work unit on the ground  
42    floor, or above the work unit on an upper floor, such that the work unit and dwelling unit  
43    are designed, constructed, and maintained in title and function as a single live/work unit. A  
44    live/work building may also have dwelling units that are not connected to a work unit, but

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cannot have work units that are separate and unconnected from a dwelling unit. Ground floor work units may extend to upper floors, provided that all floors of the live/work unit are internally connected.

*Parapet:* A low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall that rises above the roof for screening of mechanical equipment.

*Plaza:* An open space area, typically located between adjacent buildings and containing walkways, landscaping, street furniture, or other pedestrian amenities. Plazas differ from courtyards in that plazas contain a majority of paved area.

*Primary street frontages:* Lot frontages on all of the following streets: Wilton Drive, North Dixie Highway, NE 26<sup>th</sup> Street east of Dixie Highway, and NE 26<sup>th</sup> Street west of Dixie Highway on the north side only.

*Secondary street frontages:* Lot frontages on all of the following streets: NE 24<sup>th</sup> Street and NE 13<sup>th</sup> Avenue, south of NE 26<sup>th</sup> Street.

*Sidewalk:* The portion of property lying adjacent to or within the public rights-of-way, paved and used for pedestrian travel.

*Sidewalk cafe:* The placing, locating or permitting of the placing or locating of chairs and tables within the sidewalk area adjacent to a business licensed to operate as a restaurant, as defined in the ULDR.

*Storefront:* The first story portion of a building containing commercial uses with display windows.

*Transition line:* A horizontal line along the whole width of a facade expressed by a material change, trim line, balcon, balcony, etc.

**Section 3:** Section 030-060 “Detailed Table of Permitted and Prohibited Conflicts” is amended as follows:

**Legend**

**P** = Permitted use

**N** = Not permitted

**C** = Conditional use

**A** = Accessory use only

**WDAE** = Wilton Drive Arts & Entertainment District

**TOC-N** = Transit Oriented Corridor North District

**TOC-S** = Transit Oriented Corridor South District

**TOC-E** = Transit Oriented Corridor East District

Numbers in parenthesis (#) refer to specific use provisions below the table

Use	WDAE	TOC-N	TOC-S	TOC-E
Accessory use(s) and structure(s) (see Article 25, Accessory Uses and Buildings)	P	P	P	P
Adult entertainment	N	N	N	N
Alcoholic beverage sales for offsite consumption	P	P	P	P
Amusement establishment	P	P	P	P
Animal hospital or clinic	N	P(1)	P(1)	P(1)
Art gallery, artisanal studio	P	P	P	P
Assisted living facility	N	N	N	P(14)

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Use	WDAE	TOC-N	TOC-S	TOC-E
Auction house	P	P	P	P
Automobile new car dealership	N	N	N	N
Automobile rental agency	P(2)	P(2)	P(2)	P(2)
Automobile parts and accessories store	N	P	N	N
Automobile repair, major	N	N	N	N
Automobile repair, minor	N	N	N	N
Bakery	P	P	P	P
Bank	P	P	P	P
Bail bond operations	N	N	N	N
Bar or lounge	P(3)	P(3)	P(3)	P(3)
Bicycle sales, rental or repair	P	P	P	P
Boat or water vehicle, sales or rental	N	N	N	N
Boat or water vehicle storage	N	N	N	N
Boat or water vehicle, repair	N	N	N	N
Bowling alley	N	P	P	P
Bus station	P	P	P	P
Car wash	N	N	N	N
Catering establishment	P	P	P	P
Check cashing store (as a principal use)	N	N	N	N
College or other institution of higher learning	C	C	C	C
Contractor shop	N	N	N	N
Contractor storage yard	N	N	N	N
Convenience store	P(4)	P(4)	P(4)	P(4)
Day care center	P	P	P	P
Drive-through windows, and any commercial use that provides goods or services to customers as they remain in their automobiles, excepting bank and pharmacy drive-through service.	N	N	N	N
Dry cleaning drop off for off-site dry cleaning	P	P	P	P
Dry cleaning drop off with on-site dry cleaning	C	C	C	C
Dwelling, multiple-family (freestanding)	P(5)	P(5)	P(5)	P(5)
Dwelling, multiple-family, (within a mixed-use building)	P(5)	P(5)	P(5)	P(5)
Dwelling, single-family	N	N	N	N
Dwelling, townhouse	N	N	P(5)	P(5)
Dwelling, two-family	N	N	N	N
Equipment rental	N	N	N	N
Flea market, bazaar, merchandise mart, green market	P	P	P	P
Florist	P	P	P	P
Food store, specialty	P	P	P	P
Food and/or Beverage Carts	A(12)	A(12)	A(12)	N

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Use	WDAE	TOC-N	TOC-S	TOC-E
Fortune telling	N	N	N	N
Funeral home	N	N	N	N
Garden shop, greenhouse, nursery	N	N	N	P
General repair and service shop	N	P	P	P
Grocery store	P	P	P	P
Gymnasium	P	P	P	P
Home improvement center; sales of building materials	N	N	N	N
Hospital	N	C	C	C
Hotel with up to fifty (50) guest rooms	C(13)	C(13)	C(13)	C(13)
Hotels with more than fifty (50) guest rooms	P	P	P	P
Kennel	N	P(1)	P(1)	P(1)
Laboratory, research or experimental	N	C	C	N
Laundromat (self-service) or commercial laundry drop-off for off-site laundry service	P(6)	P(6)	P(6)	P(6)
Laundry, commercial	N	N	N	N
Leather goods, assembly (no tanning)	N	N	N	N
Library	P	P	P	P
Manufacturing, light	N	N	N	N
Marina, including incidental watercraft rental	P	P	P	N
Mobile home, trailer, and recreational vehicle parks	N	N	N	N
Motion picture studio	N	N	C(7)	C(7)
Motor fuel pumps,	P(8)	N	N	P(8)
Moving or storage office or warehouse	N	N	N	N
Museum	P	P	P	P
Nightclub or cabaret	P	P	P	P
Nursing home or other residential institution	N	N	P(14)	N
Office	P	P	P	P
Outdoor storage (principal use)	N	N	N	N
Parking lot or structure, commercial or public	P(9)	P(9)	P(9)	P(9)
Pawn shop	N	N	N	N
Personal service establishment	P	P	P	P
Pet store	P	P	P	P
Pharmacy	P	P	P	P
Photograph processing laboratory	P	P	P	P
Place of worship	P	P	P	P
Printer, publisher, photo copying, engraver,	P(10)	P(10)	P(10)	P(10)
Private club	P	P	P	P
Private passive park or open space	P	P	P	P
Public or governmental building or use, including parks	P	P	P	P

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Use	WDAE	TOC-N	TOC-S	TOC-E
Public utility or service facility	C	C	C	C
Radio or television broadcasting station (no broadcasting tower)	P	P	P	P
Rail station	N	P	P	P
Restaurant, including sidewalk cafes	P(11)	P(11)	P(11)	P(11)
Retail sales, general	P	P	P	P
School, trade or vocational	C	C	C	C
Skating rink	N	P	P	P
Studio or instruction for photography, art, music, dance, modeling, martial arts, or fitness/athletics	P	P	P	P
Tailor, seamstress	P	P	P	P
Taxidermist	N	N	N	N
Theater, live or film (no drive in)	P	P	P	P
Ticket agency	P	P	P	P
Travel agency	P	P	P	P
Truck storage	N	N	N	N
Vehicle sales and rental: commercial vehicles, trailers, motorcycles and used automobiles	N	N	N	N
Wholesale, sales and storage, principal use	N	N	N	N

*Specific use provisions* (see footnote references in table, above).

- (1) Shall be located within its own freestanding building, or within a tenant space of a building occupied by retail, service, heavy commercial or industrial uses, but not office, sit-down restaurant, or lodging uses, and a minimum one hundred (100) feet from a principal dwelling, measured as the shortest air line distance between exterior building walls of the kennel or animal clinic and dwelling unit. All treatment rooms and kennels shall be maintained within a completely enclosed, soundproof building that contains all animals noises and odors from detection from adjacent tenant spaces and properties.
- (2) No storage of vehicles is permitted.
- (3) See Section 030-063, Alcoholic beverage sale within the Urban Center Districts.
- (4) Convenience stores are permitted only within the ground floor of a multiple-story building that is constructed to the frontage line as required in this Article for new construction.
- (5) See Section 030-062, Residential uses.
- (6) Laundromats are subject to the supplemental use regulations in Section 050-060, Laundromats, and are permitted only within multiple-story mixed-use buildings that are constructed to the frontage line as required in this Article for new construction.
- (7) May include outdoor filming activity and outdoor storage of vehicles and other large props used exclusively for filming purposes. Outdoor use is subject to the screening provisions that apply to outdoor storage yards, including Section 150-030(D).
- (8) Motor fuel pumps are limited to locations that legally existed as of February 14, 2012.

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- (9) For automobiles, motorcycles and trucks, but excluding heavy trucks and all commercial motor vehicles, all as defined under Section 320.01, Fla. Stat. as may be amended from time to time.
- (10) Maximum floor area of any such use shall not exceed twenty-five hundred (2,500) square feet of gross floor area.
- (11) Sidewalk cafes are subject to Section 050-080.
- (12) Food and/or Beverage Carts are subject to the following regulations:
- a. Food and/or Beverage Carts are permitted to locate only on private property through the extension of an existing City of Wilton Manors business tax receipt for an existing food and/or beverage establishment.
  - b. Food and/or Beverage Carts require the issuance of a local business tax receipt for operation of such vending cart.
  - c. Food and/or Beverage Carts shall not be subject to parking requirements.
  - d. Maximum cart dimensions shall not exceed five (5) feet in width by ten (10) feet in length.
  - e. All Food and/or Beverage Carts shall be located so as not to impede on-site pedestrian and vehicular traffic and must provide a clear passageway of at least four (4) feet between the Food and/or Beverage Cart and any building or structure.
  - f. Any signage shall be attached to the cart and shall be limited to six (6) square feet for vendor identification and six (6) square feet for display of price and product information.
- (13) Hotels with fewer than fifty (50) rooms are permitted only when the Planning & Zoning Board finds that the hotel is designed and operated to fill a specific destination lodging niche for the discerning traveling public through a design and operating concept that is unique compared to large standardized chain-type hotels, and small lodging establishments in South Florida that compete based upon price. The architecture, design, colors, lighting, art, and music selection of the hotel must exude style, distinction and warmth through the expression of a theme. The hotel must be operated with emphasis on personalized service and high staff-to-guest ratio. The burden is on the applicant to demonstrate that an application is consistent with these criteria.
- (14) At least seventy-five (75) percent of sleeping rooms within each residential institution must be complete and independent dwelling units as defined in Article 10 ULDR.

**Section 4:** Section 030-110 "Off-street parking requirements" is amended as follows:

Sec. 030-110. Off-street parking requirements.

(A) Required parking for uses not described herein shall be provided as required in Article 135, Off-Street Parking. For the purposes of this Section, required parking shall be determined based on gross building area.

(B) *Commercial uses:*

1. Retail (WDAE):

a. Existing buildings, existing buildings that increase in overall size and new buildings: no parking required

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- 1                   2. Retail (TOC-N, TOC-S and TOC-E):
- 2                   a. Existing buildings that do not increase in overall size by more than
- 3                   twenty (20) percent: no additional parking required
- 4                   b. New Buildings and existing buildings that increase in overall size by
- 5                   more than twenty (20) percent: One (1) space per five hundred (500)
- 6                   square feet
- 7                   3. Office (WDAE, TOC-N, TOC-S and TOC-E):
- 8                   a. Existing buildings that do not increase in overall size by more than
- 9                   twenty (20) percent: no additional parking required
- 10                  b. New Buildings and existing buildings that increase in overall size by
- 11                  more than twenty (20) percent: Three (3) spaces per one thousand
- 12                  (1,000) square feet
- 13                  4. Restaurants (WDAE, TOC-N, TOC-S and TOC-E):
- 14                  a. Sit-down Dining in Existing, Existing buildings that increase in overall
- 15                  size by more than twenty (20) percent and New Buildings: Three (3)
- 16                  spaces per one thousand (1,000) square feet
- 17                  b. Take-Out Dining or Counter Service Food Establishments in Existing,
- 18                  Existing buildings that increase in overall size by more than twenty (20)
- 19                  percent and New Buildings that have a customer service area of 300
- 20                  square feet or less: 1 space per 300 square feet or less of customer
- 21                  service area plus one additional space for the overall establishment.
- 22                  Restaurants with customer service areas greater than 300 square feet will
- 23                  be required to meet the requirements of 4(a) above. Customer Service
- 24                  Area is defined in Section 135-080.
- 25                  5. Bar, lounge or nightclub (TOC-N, TOC-S and TOC-E):
- 26                  a. Existing, existing buildings that increase in overall size by more than
- 27                  twenty (20) percent and New Buildings: One (1) space per one hundred
- 28                  (100) square feet.
- 29                  6. Bar, lounge or nightclub (WDAE):
- 30                  a. Existing, Existing buildings that increase in overall size by more than
- 31                  twenty (20) percent and New Buildings: Three (3) spaces per one
- 32                  thousand (1,000) square feet.
- 33                  ~~Three (3) spaces per one thousand (1,000) square feet, except bar, lounge or nightclub in~~
- 34                  ~~TOC-N, TOC-S and TOC-E shall provide one (1) space per one hundred (100) square feet.~~
- 35                  (C) In reference to all requirements in Subsection B: Change in ownership, use or
- 36                  occupancy will require compliance with these regulations. Credit will be considered
- 37                  for prior satisfaction of these regulations through payment in lieu provided for
- 38                  parking or otherwise paid to the extent that parking was provided. Notwithstanding
- 39                  anything contained herein to the contrary, a change of use within the TOC-N and
- 40                  TOC-S Districts will not require provision of additional parking pursuant to Section
- 41                  135-060 unless the principal building increases in size by more than twenty (20)
- 42                  percent, or if the new use is a food and/or beverage establishment, bar, lounge or
- 43                  nightclub, which must meet the requirements of Section 030-110.

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1 ~~(D) Residential units~~ Dwelling, Multifamily: freestanding dwellings--one and one-half (1.5)  
2 spaces per each residential unit; residential units as part of a mixed-use building--one space  
3 per unit.

4 (E) *Hotel or motel*: one space per each unit.

5 (F) *Outdoor dining and sidewalk cafes*: three (3) spaces per one thousand (1,000) square  
6 feet is required for outdoor dining areas and sidewalk cafes greater than two hundred  
7 (200) square feet when such uses are accessory to a larger food, beverage, or  
8 restaurant use, in the WDAE, and one (1) space per one hundred (100) square feet for  
9 outdoor dining areas or sidewalk cafes associated with a bar, lounge or nightclub  
10 greater than two hundred (200) square feet in the TOC-N, TOC-S and TOC-E.

11 (G) *Train station*: fifty (50) spaces. Additional uses, co-located within a train station  
12 parcel or development, require additional parking pursuant to this Article.

13 (H) In the event the Director approves a parking needs analysis, justifying an alternative  
14 parking generation rate(s) pursuant to Section 135-040, Alternative parking  
15 generation standards, the applicant shall pay a fee in lieu of parking based on the  
16 difference between required and provided parking, or provide alternative parking  
17 area(s) to accommodate required parking needs. For example, if one hundred (100)  
18 spaces are required and eighty (80) spaces are provided based on approval of a  
19 parking needs analysis, the applicant shall pay a fee in lieu of parking equal to the  
20 value of twenty (20) spaces (the difference between required and provided parking).  
21 The fee to be paid shall be a one-time fee as established by the City Commission and  
22 shall be paid in accordance with the procedure established by the City Commission.  
23 The Payment in lieu of parking option shall not exceed seventy-five (75) percent of  
24 the required parking.

25 (I) *On-street parking*. On-street parking abutting a lot on which the business is located  
26 shall not count toward fulfilling the parking requirement of that lot.

27 (J) *Valet parking*. Valet parking and the stacking of vehicles shall be permitted in  
28 accordance with Section 135-020(I).

29 (K) *Joint use and off-site facilities*. Joint use and off-site facilities shall be permitted in  
30 accordance with Section 135-030.

31 (L) *Parking design standards and off-street loading facilities*. Certain parking design  
32 standards and off-street loading facilities requirements found elsewhere in the ULDR  
33 may be waived by the Director of Community Services, or his designee, when such  
34 standards conflict with the character and nature of the Urban Center Districts. An  
35 example of such a standard would be a requirement for adjacent developments to  
36 connect parking aisles for cross access between properties. Some buildings could be  
37 built too close together to provide for such connection. Another example of such a  
38 standard would be requiring a loading area. Some businesses do not receive deliveries  
39 from vehicles that require the space provided by a loading area.

40 (1) All parking areas shall be used for vehicular parking only. No sales, rental,  
41 storage, repair, dismantling, or service areas shall be located in parking areas.

42 (2) Driveways, accessways, and access aisles shall be interconnected with existing  
43 driveways, accessways, and access aisles in parking areas on abutting developed  
44 properties to the greatest extent possible. Where abutting properties are  
45 developed in such a manner that interconnection of driveways, accessways, and

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- access aisles is physically impossible, no connection shall be required.
- (3) Pedestrian circulation shall be considered in the design of parking areas. Pedestrian crosswalks shall be provided where necessary and appropriate, shall be distinguished by textured or special paving, such as brick pavers or stamped concrete, and shall be integrated into the pedestrian network of sidewalks and walkways.
  - (4) Parking areas shall be designed to not allow vehicles to back directly onto public rights-of-way.
  - (5) Surface and structured parking facilities shall be set back at least ten (10) feet from each frontage line.
  - (6) Parking exposure on a frontage line shall be an opening no greater than twenty-five (25) feet to allow for pedestrian and vehicular access.
  - (7) Buildings elevated over surface parking areas shall not be permitted on frontage lines unless a building facade screens the surface parking from view within the public rights-of way.

**Section 5:** Section 030-111 "Payment in lieu of parking" is amended as follows:

Sec. 030-111. Payment in lieu of parking.

- (A) *Payment.* In the event the Director of Community Services, or his designee, authorizes a payment in lieu of parking, the applicant shall pay a fee per parking space based on the difference between required and provided parking. For food and beverage establishment projects two thousand (2000) square feet or less, and outdoor dining areas, the fee shall be reduced by 50%. The fee shall be paid at the time of final site plan approval or upon issuance of a building permit, whichever shall occur first. The payment of the parking fee shall be in addition to all other fees, charges or assessments. The Payment in lieu of parking option shall not exceed seventy-five (75) percent of the required parking or 20 parking spaces, whichever is less. The fee is determined and may be modified by resolution of the City Commission.
- (B) *Trust Fund.* The City Commission hereby creates the "Parking Fee Trust Account" which shall be maintained separate and apart from all other City accounts. Payments in lieu of parking shall, upon receipt by the City, be deposited into the Parking Fee Trust Account immediately upon receipt. The monies deposited into the Parking Fee Trust Account shall be used solely for the purpose of providing growth-necessitated capital improvements to the City's Parking System including, but not limited to:
  - (1) Land acquisition, including any cost of acquisition.
  - (2) Fees for professional services, including but not limited to architecture, engineering, surveying, landscaping, soils and material testing, legal, appraisals, and construction management.
  - (3) Design and construction documents.
  - (4) Site development and on-site and off-site improvements incidental to the construction thereto.
  - (5) Any permitting or application fees necessary for the construction.
  - (6) Design and construction of parking for recreational facilities.

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- 1 (7) Design and construction of drainage facilities required by the construction of  
2 parking facilities or improvements thereto.  
3 (8) Relocating utilities required by the construction of parking facilities or  
4 improvements or additions thereto.  
5 (9) Landscaping in parking and pedestrian areas.  
6 (10) Acquisition of capital equipment for the City Parking System.  
7 (11) Repayment of monies borrowed from any budgetary fund of the City which  
8 were used to fund growth necessitated capital improvements to the City Parking  
9 System as provided herein.  
10 (12) Payment of principal and interest, necessary reserves and costs of issuance under  
11 any bonds or other indebtedness issued by the City to fund growth-necessitated  
12 improvements and additions to the City Parking System subsequent to the  
13 effective date of this Ordinance.  
14 (13) Costs related to the administration, collection, and implementation of the  
15 Parking Impact Fees.  
16  
17

18 **Section 6:** It is the intention of the City Commission, and it is hereby ordained that  
19 the provisions of this Ordinance shall become and be made a part of the Code of the City of  
20 Wilton Manors, Florida.

21 **Section 7:** That all ordinances and resolutions or parts of ordinances and resolutions  
22 in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

23 **Section 8:** That if any clause, section or other part of this Ordinance shall be held  
24 invalid or unconstitutional by any court of competent jurisdiction, the remainder of this  
25 Ordinance shall not be affected thereby, but shall remain in full force and effect.  
26

27 **Section 9:** That this Ordinance shall become effective immediately upon the date of  
28 adoption.

29 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**  
30 **WILTON MANORS, FLORIDA, THIS \_\_\_\_ DAY OF DECEMBER 2012.**

31  
32 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**  
33 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS \_\_\_\_ DAY**  
34 **OF JANUARY 2013.**  
35

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CITY OF WILTON MANORS, FLORIDA

By: \_\_\_\_\_  
GARY RESNICK, MAYOR

ATTEST:	RECORD OF COMMISSION VOTE
_____	MAYOR RESNICK _____
KATHRYN SIMS	VICE MAYOR CARSON _____
CITY CLERK	COMMISSIONER GALATIS _____
	COMMISSIONER GREEN _____
	COMMISSIONER NEWTON _____

I HEREBY CERTIFY that I have  
approved the form of this Ordinance.

\_\_\_\_\_  
KERRY L. EZROL  
CITY ATTORNEY

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