



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: November 23, 2010

TO: Robert Baldwin, City Manager

VIA: Robert Daniels, Director *Robert Daniels*

FROM: Corinne Lajoie, AICP, Principal Planner

SUBJECT: **TX-43-10 / RZ-39-10** - The applicant, the City of Dania Beach, is requesting to amend the OneCode, Land Development Regulations by creating a new zoning district entitled Industrial, Research, Office, Marine – Airport Approach (IROM-AA) for existing IROM zoned property generally located west of Interstate 95, from Griffin Road to the northern corporate limits of the City, as well as other text amendments (SECOND READING).

TEXT AMENDMENTS

1. To allow the creation of a new zoning district entitled Industrial, Research, Office, Marine – Airport Approach (IROM-AA), Section 115-40.
2. Amend the Residential Mobile Home (RMH) zoning district regarding the setbacks and clarifying the development regulations for a single family CBS structure, Section 205-10(B).
3. To require no minimum separation for hotels within a Hotel Overlay District regarding alcohol sales and to permit digital pole signs, Section 315-50 & 60.
4. Correct procedural requirements for the public hearings on code text amendments and rezoning requests, Section 610-20.
5. Change the notification requirements that would be administratively cumbersome to follow, Section 610-30(C)(2).
6. To clarify that pole signs are prohibited, except where specifically permitted, Section 505-40(AA).
7. To prohibit digital signs, except where specifically permitted, Section 505-40(BB).
8. To allow digital pole signs where currently permitted, Section 505-140.

On September 14, 2010 the City Commission approved the City's new Land Development Regulations, referred to as OneCode. On June 8, 2010, prior to adoption of OneCode, the City Commission instructed staff to review the current IROM zoning districts and bring back amendments to allow some outdoor uses. As such, staff is proposing a new zoning district entitled Industrial, Research, Office, Marine – Airport Approach (IROM-AA). In addition, as staff begins to use the new regulations scrivener's errors, inaccuracies and vague, imprecise or ambiguous language begins to emerge, some of which staff is proposing to address at this time.

TEXT AMENDMENT

1. SECTION 115-40, SCHEDULE OF PERMITTED USES

As per the City Commission's request, on July 27, 2010 staff presented preliminary language and location for the IROM-AA zoning district, at which time the City Commission requested an expansion of the district area and uses. Since then staff has meet individually with each Commissioner to review the revisions made by staff. In addition, the list of proposed uses in the new IROM-AA district has been reviewed by staff at the Broward County Aviation Division, Marina Mile Business Association, the City's Marine Advisory Board and the Marine Industry Association of South Florida.

The proposed IROM-AA zoning district is for the properties that are currently zoned IROM and generally located west of Interstate 95 between Griffin Road and State Road 84 and would encompass approximately 250 acres. This area is part of the Westside Master Plan and lies in Subarea 1 – Griffin Road West & Subarea 3 – Marina Mile of the study area. The IROM-AA zoning district will further the goals of the Westside Master Plan, which include the following:

- Economic development; beautification (Ravenswood Road)
- Landscaping and screening
- Business retention
- Implement goal 3.10 of the Westside Master Plan; Subarea 1 – Griffin Road West & Subarea 3 – Marina Mile "Update zoning regulations to include enhanced landscaping and screening provisions for the Marina Mile area".

The proposed text amendment would allow existing businesses to expand beyond the current range of uses allowed while not losing any of the uses currently permitted in the existing IROM zoning district. The IROM-AA zoning district will also permit many outdoor uses the current IROM district does not, such as storage, parking, sales, leasing, rental, display, repair and service of automobiles, aircraft, bus, truck recreational vehicles, motor homes, motorcycles, tractor trailers, construction equipment and boats.

Minor changes to the permitted uses and list of conditions have been made at the request of property owners within the proposed zoning district.

2. SECTION 205-10(B), SCHEDULE OF LOT, YARD AND BULK REGULATIONS

The proposed text amendment to the Residential Mobile Home (RMH) zoning district addresses development setback requirements and clarifies the development regulations for a single family CBS structure that resulted from a scrivener's error and inaccuracies that currently exist.

The amendment separates mobile homes regulations from single family home regulations and changes the interior side setbacks from 14 feet (which was a scrivener's error) to 5 feet, which is the minimum separation between structures required by the Fire Marshal.

3. SECTION 315-50 & 60, HOTEL OVERLAY DISTRICT

Each Hotel Overlay District located in the city has a minimum of 2 hotels, as is required by code. Often these hotels are in relatively close proximity to each other. The proposed text amendment to the Hotel Overlay District will eliminate the separation requirement for hotels from one another in order to allow the sale of alcohol. Typically the only persons purchasing alcohol from the hotel bar are those staying at the hotel. The second amendment to section is to allow digital pole signs.

4. SECTION 610-20, TABLE OF PUBLIC NOTICE REQUIREMENT

This text amendment to the Table of Public Notice Requirement makes changes by correctly identifying timing of notice for code amendments and articulates when public hearings are required for rezoning of property.

5. SECTION 610-30(C)(2), DETAILED NOTICE PROVISIONS

The text amendment changes the notification requirements for mailed notices from postage paid return receipt to certificate of mailing or firm mailing, thereby eliminating an administratively cumbersome requirement that is not legally required.

6. SECTION 505-40 (E) & (AA) PROHIBITED SIGNS

This amendment will clarify to the reader that pole signs are prohibited, except in specific instances when located along Interstate 95 and within the Hotel Overlay Districts.

7. SECTION 505-40 (BB) PROHIBITED SIGNS

This amendment will prohibit digital signs, except in specific instances when located along Interstate 95 and within the Hotel Overlay Districts. This amendment is consistent with the changes proposed relating to pole signs.

8. SECTION 505-140 SPECIAL SIGNAGE REGULATIONS BY LOCATION OR TYPE OF USE.

This text amendment will permit digital pole signs, where pole signs are currently permitted. These areas include within the Hotel Overlay Districts, and properties with more than 80,000s.f located within 1,000 feet of Interstate 95 or Interstate 595.

The restrictions being placed on the digital signs are listed below.

1. Movies, flashing, racing, audio and pyrotechnics are prohibited;
2. A minimum interval of 10 seconds is required so that a driver only sees one display while passing;
3. Instant display change is required (no scrolling between views);
4. Display is required to have an auto turn-off in case of malfunctions;
5. A minimum spacing from residential of 400 feet is required; and
6. Limit maximum brightness from digital sign to 5,000 nits during daylight and 500 nits at night.
7. Message shall be limited to the business and/or tenant located on the property, not for off-site signage.

CITY COMMISSION PREVIOUS ACTION

On October 26, 2010 the City Commission approved the amendments on first reading.

July 27, 2010 staff presented preliminary language and location for the IROM-AA zoning district, at which time the City Commission requested an expansion of the location and uses.

On June 8, 2010 the City Commission instructed staff to review the current IROM zoning districts and bring back amendments to allow some outdoor uses.

PLANNING AND ZONING BOARD RECOMMENDATION

On October 20, 2010 the Planning and Zoning Board recommended approval of the proposed amendments.

STAFF RECOMMENDATION

Approve.