



CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: August 9, 2011

TO: Robert Baldwin, City Manager *Robert Baldwin*

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, Principal Planner *CLajoie*

SUBJECT: **TX-16-11:** The applicant, the City of Dania Beach is requesting to amend the OneCode by creating a historic marker program, reinstating regulations for Community Facility zoning district, making changes to the City Center zoning district, as well as other text amendments to the Unified Land Development Code (SECOND READING).

TEXT AMENDMENTS

1. To permit as home daycare use and permit temporary above ground pools; Article 105.
2. To amend definitions related to mobility program, density, and permitted use; Article 725-30.
3. To allow a greater height via a Special Exception and increasing density to 150 units per acre in the City Center with density bonus; Article 303.
4. Adding the Community Facilities zoning district back into the code; Article 330.
5. To clarify distance separation requirements for liquor within CRA; Article 110-50(A).
6. To add scooter and electric cart rental as a permitted use in the SFED-MU zoning district; Article 110-20 & 110-240.
7. To create historic marker and plaque regulations and to include a list of the properties designated historic in 2005; Chapter 8, Section 8-155.1 & Section 8-162.
8. To create noise mitigation requirements for residential properties within the accepted Federal Aviation Administration long range noise exposure; Article 221.
9. To clarify the prohibition of roadside vendors and list catering as a permitted use in the permitted use table; Article 110 & Article 115.
10. To allow building height in IROM and IROM-AA to be 6 stories maximum; Article 205.

11. Permitting nursery uses, and requiring landscaping to be located on the outside of fence/walls in the IROM-AA; Article 115.
12. To reduce driveway setbacks from 5 feet to 2 feet and to change the pervious area requires matching those approved in Ordinance No. 2008-010; Article 215 and Section 205-10.
13. Removing certified mailing and firm mailing from notice requirements, consistent with state statutes; Article 610-30.
14. Amending sign regulations for transit-related signage; Article 505.
15. Amending parking requirements for properties within the Design District; Article 265-50.
16. Creating a voluntary mobility program to manage vehicle traffic demand and support multimodal transit; Article 295 and Article 605.
17. To amend the procedures for right-of-way vacations; Article 655.
18. To amend the code to identify the Fire Marshal as the person who assigns property addresses; Section 700-150.

On September 14, 2010, the City Commission approved the City's new Land Development Code, referred to as OneCode. As staff continues 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. HOME DAYCARE/ABOVE GROUND POOLS

Currently the code prohibits at home day care uses. This amendment will permit home daycare use in residentially zoned areas. It will also permit above ground pools, where currently the code is silent.

2. MOBILITY/DENSITY/PERMITTED USE

The definition for density is being amended to identify gross acreage when calculation density is consistent with the city's Comprehensive Plan. New definitions for mobility and scooter/electric cart are also being added.

3. HEIGHT/DENSITY IN CITY CENTER

Currently the code allows a maximum building height of 14 stories with design bonuses in the City Center zoning district. This amendment will allow greater height if a Special Exception is approved by the City Commission. The maximum density of 100 units per acre in the City Center zoning district has proved limiting. This amendment will allow a maximum density of 150 units per acre with density bonuses within the City Center. This change is at the request of the CRA Director.

4. COMMUNITY FACILITY ZONING DISTRICT

The Community Facility (CF) zoning district that was previously located in the Broward County Zoning Code was not included in the newly adopted OneCode. This amendment will reinstitute the CF zoning district.

5. DISTANCE SEPARATION FOR ALCOHOL

This text amendment includes identifying liquor as an exemption from distance separation requirements within Community Redevelopment Agency (CRA); Section 110-50(A). This change is at the request of the CRA Director.

6. SCOOTER/ELECTRIC CART RENTAL

To add scooter and electric cart rental as a permitted use in the South Federal Highway-Mixed Use (SFED_MU), City Center, East Dania Beach Boulevard – Mixed Use (EDBB_MU) and Gateway – Mixed Use (GTWY-MU) zoning districts. This change is at the request of the CRA Director.

7. HISTORIC MARKER AND PLAQUE/HISTORIC PROPERTIES

This text amendment will create historic marker and plaque program regulations. The regulations establish a process for requesting a historic marker or plaque for a property. The amendment will also include a list of the properties designated historic in 2005 via Ordinance No. 2005-028.

8. NOISE MITIGATION

To create noise mitigation language requiring residential property within 60+ DNL to achieve a maximum indoor level of 45 decibels when pulling a permit to construct a new unit or when making substantial improvements to the main living structure must make improvements. Substantial improvements are defined in Section 710-210. This change is at the request of Broward County Aviation Division.

9. ROADSIDE VENDORS/CATERING

This text amendment will clarify the prohibition of roadside vendors and list catering as a permitted use in the permitted use table.

10. IROM-AA SCREENING/BUILDING HEIGHT

To clarify IROM-AA fence/wall screening requirements in footnotes 74, 75 and 76 to require the landscaping be located on the outside of any fence or wall, as was intended. This amendment will also allow building height in IROM and IROM-AA to be 6 stories maximum instead of 5 stories, consistent with the 62 foot height permitted.

11. NURSERY USE

This text amendment will add crop growing and nursery use as a permitted use in the IROM-AA zoning district.

12. DRIVEWAYS/PERVIOUS AREA

This text amendment will reduce the required driveway setback from five (5) feet to two (2) feet, consistent with previous code requirements. In 2008, the city reduced the required pervious area for many zoning districts in the city. The newly adopted OneCode reversed those reductions. This amendment will reinstate the pervious area required in the amendment adopted by Ordinance No. 2008-010.

13. MAILED NOTICE REQUIREMENTS

This text amendment will remove certified mailing and firm mailing from notice requirements consistent with state statute and providing a cost savings to the city.

14. SIGNS

Amending the sign regulations to allow signage on transit structures, such as bus benches and bicycle sharing stations. This change is at the request of the CRA Director.

15. PARKING IN DESIGN DISTRICT

To allow one (1) parking space per 600 square feet of showroom use for properties within the Design District Overlay. One (1) parking space per 500 square feet of showroom use is required everywhere else.

16. VOLUNTARY MOBILITY PROGRAM

To establish a voluntary mobility program that would allow the developer to negotiate with city staff to provide site upgrades and community amenities in lieu of providing a traffic study identifying the impact a project will have on the city's local streets. This process will occur prior to a project being presented at a public hearing for site plan approval.

17. ROW VACATIONS

This text amendment will change the processing requirements for requests for vacation of right-of-way.

18. ASSIGNING ADDRESSES

To amend the code to identify the Fire Marshal as the person who assigns property addresses instead of the Community Development Director. The assigning of property addresses occurs in the Fire Marshal's Office to ensure that rescue vehicle can locate a property in case of an emergency.

CITY COMMISSION PREVIOUS ACTION

On July 12, 2011, the City Commission heard this item on first reading.

PLANNING AND ZONING RECOMMENDATION

On June 15, 2011, the Planning and Zoning Board sitting as the Local Planning Agency, heard this item and recommended approval.

STAFF RECOMMENDATION

Approve.

CITY COMMISSION
CITY OF DANIA BEACH, FLORIDA
TX-16-11 - PUBLIC HEARING

A Public Hearing will be conducted by the City of Dania Beach City Commission to amend the text of Dania Beach Code of Ordinances and the Land Development Code:

DATE: Tuesday, August 9, 2011
TIME: 7:00 p.m. or as soon thereafter as the same may be heard
PLACE: City Commission Chambers
Dania Beach Administrative Center
100 West Dania Beach Blvd.
Dania Beach, FL 33004

This ordinance amends the various articles of the City of Dania Beach Code of Ordinances and the City's Land Development Code as follows:

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE IX "HISTORIC PRESERVATION" OF CHAPTER 8 "BUILDINGS" OF THE CODE OF ORDINANCES CONCERNING THE CITY'S HISTORIC MARKER AND PLAQUE PROGRAM; AMENDING ARTICLE 105 "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS" REGARDING PERMITTED ACCESSORY USES AND STRUCTURES; AMENDING ARTICLE 110 "USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND PROVIDING FOR SUPPLEMENTAL USE REGULATIONS; AMENDING ARTICLE 115 "INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND CONDITIONS OF USE; AMENDING ARTICLE 205 "TABULAR SUMMARY OF SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS" TO AMEND DEVELOPMENT STANDARDS FOR ZONING DISTRICTS; AMENDING ARTICLE 215 "SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE" TO AMEND YARD AND IMPERVIOUS AREA REGULATIONS; CREATING ARTICLE 221 "NOISE MITIGATION" TO PROVIDE FOR NOISE MITIGATION REQUIREMENTS FOR RESIDENTIAL PROPERTIES WITHIN ACCEPTED FEDERAL AVIATION ADMINISTRATION LONG -RANGE NOISE EXPOSURE AREAS; AMENDING ARTICLE 265 "OFF-STREET PARKING REQUIREMENTS" TO AMEND PARKING REQUIREMENTS FOR PROPERTIES WITHIN THE DESIGN DISTRICT OVERLAY; CREATING ARTICLE 295 "VOLUNTARY MOBILITY PROGRAM" IN ORDER TO PROVIDE FOR A MOBILITY PROGRAM TO MANAGE VEHICULAR TRAFFIC DEMAND AND SUPPORT MULTIMODAL TRANSIT; AMENDING ARTICLE 303 "DISTRICT DEVELOPMENT STANDARDS" TO AMEND DENSITY AND DEVELOPMENT STANDARDS FOR THE CITY CENTER ZONING DISTRICT; CREATING ARTICLE 330 "COMMUNITY FACILITIES (CF) DISTRICT" TO ESTABLISH THE COMMUNITY FACILITIES ZONING DISTRICT; AMENDING ARTICLE 505 "SIGN REGULATIONS" CONCERNING REGULATIONS OF TRANSIT-RELATED SIGNAGE; AMENDING ARTICLE 605 "GENERAL APPLICATION REQUIREMENTS" TO IMPLEMENT THE VOLUNTARY MOBILITY PROGRAM; AMENDING ARTICLE 610 "PUBLIC HEARING NOTICES" TO PROVIDE FOR AMENDMENTS TO PUBLIC NOTICE

MAILING REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING ARTICLE 655 "VACATIONS OF RIGHT-OF-WAY" TO AMEND THE PROCEDURES FOR RIGHT-OF-WAY VACATIONS; AMENDING ARTICLE 725 "DEFINITIONS" TO AMEND DEFINITIONS RELATED TO MOBILITY PROGRAM, DENSITY AND PERMITTED USES; PROVIDING FOR AMENDMENTS THROUGHOUT THE LAND DEVELOPMENT CODE TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

INSERT CITY MAP HERE

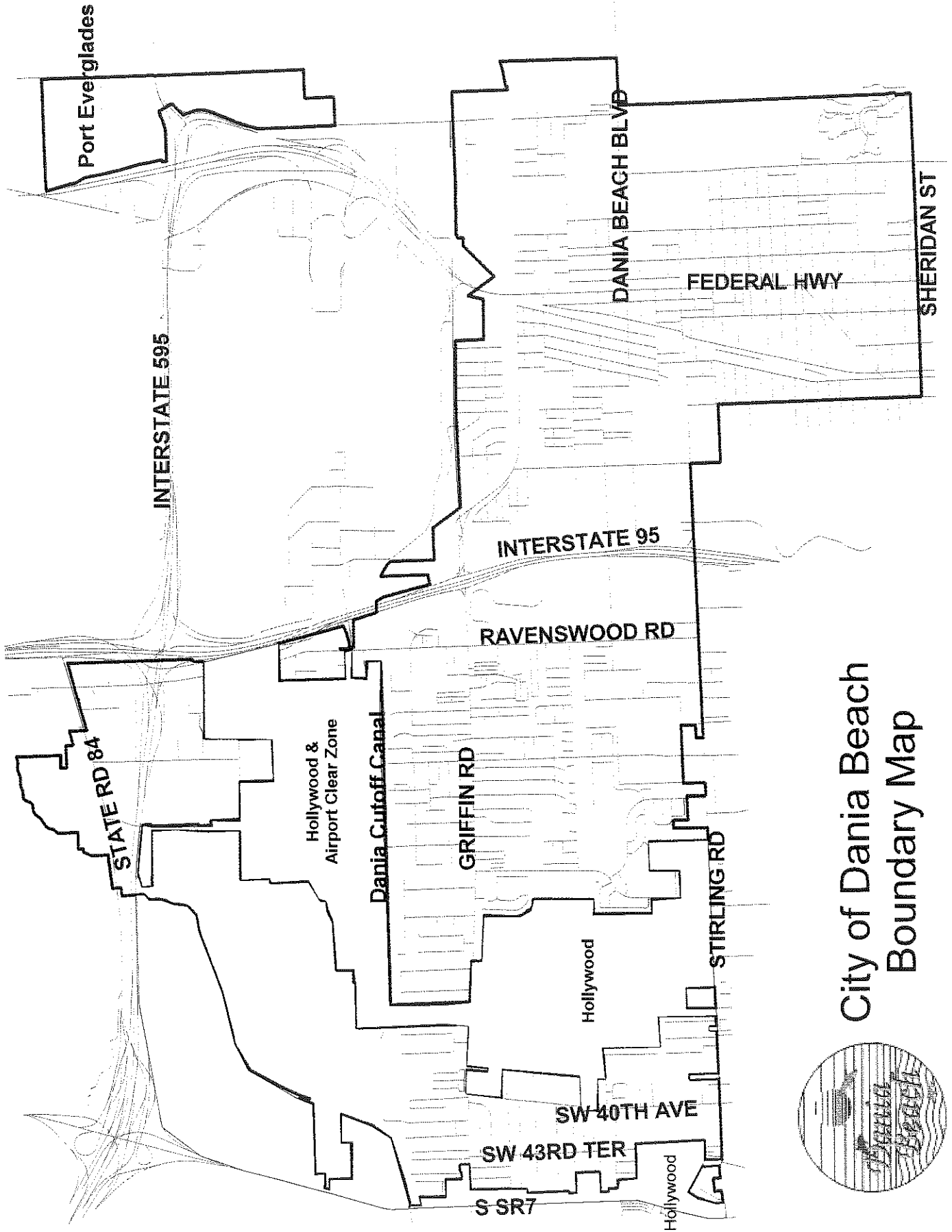
A copy of the ordinance and proposed updates are available for viewing in the Community Development Department, 100 West Dania Beach Boulevard, Dania Beach, Florida, and may be inspected by the public during normal business hours.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Lou Ann Patellaro
Building and Planning Operations Mgr.

Published: Thursday, July 28, 2011



City of Dania Beach Boundary Map

