



CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: May 8, 2012

TO: Robert Baldwin, City Manager *Robert Baldwin*

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, Principal Planner, LEED Green Associate *CSL*

SUBJECT: **TX-05-12:** The applicant, City of Dania Beach, is requesting to amend the OneCode by creating industrial design standard and vacant lot standards, making changes to the temporary uses as well as other text amendments to the Unified Land Development Code (SECOND READING).

TEXT AMENDMENTS

1. To permit garage sales on commercial property outside of the CRA and on industrial properties; Article III, Section 21.
2. To amend outdoor storage container regulations; Chapter 28; Section 105-90.
3. To clarify where residential care facilities are permitted; Chapter 28, Section 105-170.
4. Clarifying and adding uses to the list of permitted, special exception and prohibited uses table; Chapter 28, Section 110-20.
5. To add a condition of use for pain management clinics; Chapter 28, Section 110-40.
6. To add cabinet, furniture, sign fabrication, printing, storage and contractor shops as conditional uses; Chapter 28, Section 110-250, 110-260 & 110-270.
7. To add uses to the schedule of permitted uses for industrially zoned properties; Chapter 28, Section 115-40.
8. To amend conditions of use for industrially zoned properties; Chapter 28, Section 115-50.
9. To create lot, yard and bulk regulations for the Open Space zoning district; Chapter 28, Section 205-10.
10. To clarify definition of off street parking; Chapter 28, Section 265-20.
11. To define use of municipal public parking garage for existing developed sites; Chapter 28, Article 265-75.

12. To amend the payment in-lieu of providing public off-street parking to allow contributions to equal 50% and amending payment schedule; Chapter 28, Section 265-92.
13. Clarifying and adding uses to the list of permitted, special exception and prohibited uses table for the CRA; Chapter 28, Section 302-10.
14. To allow building height to exceed 14 stories in the City Center zoning district with approval of a special exception; Chapter 28, Section 303-40.
15. To create treatment of vacant lot regulations; Chapter 28, Section 307-40.
16. To create industrial design standards; Chapter 28, Section 511-10.
17. To amend the public hearing notice requirements to meet state requirements; Chapter 28, Article 610.
18. To amend administrative variance requirements to add finished side of fence to list of variances that may be approved administratively; Chapter 28, Section 620-40.
19. To amend the temporary use regulations; Chapter 28, Section 675-20.
20. To amend defined terms by added new definitions; Chapter 28, Section 725-30.
21. To amend public schools concurrency regulations to reflect changes made to the interlocal agreement; Chapter 28, Section 805-100.

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. GARAGE SALES

This amendment identifies that garage sales are permitted in residentially zoned properties, commercial properties outside of the CRA and on industrial properties two times per year. Today, garage sales are only permitted in residential zoning districts.

2. OUTDOOR STORAGE CONTAINERS

The proposed amendment for this code provision will prohibit storage containers in the CRA form-based districts unless approved as a special exception. The amendment prohibits storage containers on multi-family residential property and allows storage containers for not-for-profit charitable organizations outside the CRA. This change is at the request of the City Manager's Office.

3. RESIDENTIAL CARE FACILITIES

This change amends the text so that it corresponds with the permitted use table and Florida State Statues.

4. PERMITTED, SPECIAL EXCEPTION, AND PROHIBITED USES TABLE

These changes are a result of rezonings initiated by the CRA, and staff's work with the community business and property owners to expand the list of permitted uses in the Neighborhood-Mixed Use (NBHD-MU) zoning district. The CRA Director supports this change. These amendments add the following uses to the permitted use table:

- Cabinet or furniture shop
- Charity shop or thrift
- Contractor shop
- Resale boutique and consignment shops for profit
- Massage therapy as accessory to a full service salon or spa only
- Merchandise rental or leasing
- Sign fabrication, sign printing
- Storage

This amendment also amends the following uses in other districts:

- Auto parts, retail or wholesale
- Residential care facility
- Veterinarian, animal hospital
- Mobile vendor (prohibited)
- Wholesale: combine office-showroom-warehouse facility
- Bus depot for storage and maintenance of buses and related office facilities (as a conditional use)

5. PAIN MANAGEMENT CLINICS

The change proposed eliminates pain management clinics in the CRA. The CRA Director is in support of this request.

6. NEW CONDITIONAL USES

As a result of rezonings initiated by the CRA, staff worked with businesses and property owners of the community to expand the list of permitted uses in the Neighborhood-Mixed Use (NBHD-MU) zoning district. The new uses are cabinet, furniture, sign fabrication, printing, storage and contractor shops with conditions that the use is permitted only within an existing warehouse building and must be located within a completely enclosed building, and bay or garage doors must be closed. The CRA Director supports this change.

7. PERMITTED USES FOR INDUSTRIALLY ZONED PROPERTIES

This amendment adds "indoor" to many uses that code permits to occur outdoors. These uses include:

- Sales and display of fully assembled outdoor recreational vehicles
- Sale or rental of new or late-model construction equipment
- Sales, leasing, rental, service, display, or repair of automobiles, motorcycles or trucks
- Sales leasing, rental, display and repair of new and used boats and marine vessels
- Storage of passenger vehicles, trailers and tractor trailers.

In addition, several changes were made relating to uses permitted in the IROC zoning district to re-establish the uses that were previously permitted. These include the following:

- Medical/dental labs
- Pest control
- Carpet and flooring
- Furniture store
- Glass and mirror shop
- Lawn and garden shop
- Swimming pool supplies and sales
- Courier service/package delivery
- Recording studio
- Boat repair

8. CONDITIONS OF USE FOR INDUSTRIALLY ZONED PROPERTY

Amending the condition of use notes that correspond with the permitted use table.

9. LOT, YARD AND BULK REGULATIONS FOR OPEN SPACE ZONING

The development regulations relating to the setback for property located within an Open Space zoning district was erroneously left out of the ULDC. This amendment will reinstate the previous regulations.

10. DEFINE OFF STREET PARKING

This amendment clarifies that off-street parking does not apply to long term storage of vehicles and equipment.

11. USE OF MUNICIPAL PARKING GARAGE

The amendment clarifies the intent to allow existing developed properties located within 1,400 feet, one quarter (1/4) mile or two (2) blocks of an existing municipal public garage or public parking lot to utilize the public parking for all parking necessary to meet existing or new business needs provided no building expansion occurs. This change is being made at the request of the CRA Director.

12. PAYMENT IN-LIEU OF PARKING

This proposed change is to amend the payment in-lieu of providing public off-street parking to allow maximum contributions to equal 50% of required parking, where the code currently allows only 30%. The change also amends payment schedule, requiring half of the payment in the first year and continuing payments annually; the code currently allows a 5% (equals \$325 per space) annual payments. This change is being made at the request of the CRA Director and Finance Director.

Additional changes are being made to this section of the code modifying the payment schedule and payment process. The existing code allows three (3) payment options for existing structures:

- 1st Option - payment in full (\$6,500 per space)
- 2nd Option – 2 payments (\$3,250 each per space); 1st payment due prior to building permit, 2nd due prior to issuance of a Certificate of Use.
- 3rd Option – 5% (\$325 per space) due annually.

The proposed language changes the third payment option to require 50% (\$3,250 per space) prior to issuance of a Certificate of Use, and the remaining payment to be paid in no

more than 12 quarterly payments with a 5% interest rate (\$284.37 per space due each quarter).

13. PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES TABLE FOR THE CRA
The changes made in this section of the code correspond to the changes made in the Permitted, Special Exception and Prohibited Uses Table discussed above. These changes are a result of rezonings initiated by the CRA, and staff worked with the community business and property owners to expand the list of permitted uses in the Neighborhood-Mixed Use (NBHD-MU) zoning district. The CRA Director supports this change.

14. BUILDING HEIGHT 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. This change is at the request of the CRA Director.

15. VACANT LOT REGULATIONS

This amendment creates a new code section identifying the treatment of newly vacant property in CRA. This amendment is at the request of the City Commission and has the support of the CRA Director.

16. INDUSTRIAL DESIGN STANDARDS

This proposed amendment creates a new code section establishing design standards for industrial properties.

17. PUBLIC HEARING NOTICE REQUIREMENTS

This text amendment will make the public hearing notice requirements consistent with state statute and will provide a cost savings to the city.

18. ADMINISTRATIVE VARIANCES

This proposed amendment adds finished side of fences to the list of activities that can be waived after neighboring property owners have been notified with no public hearing.

19. TEMPORARY USE REGULATIONS

Community Development staff worked with Parks and Recreation staff to create the changes proposed to streamline the special events approval process in the city. The changes proposed will allow staff to administratively approve smaller events, but require larger events to be approved in advanced by the City Commission. This change is proposed at the request of the Parks and Recreation Department.

20. ADDITION OF NEW DEFINITIONS

This amendment defines the following new terms:

- Charity or thrift shop
- Garage sale
- Massage therapy services establishment
- Merchandise rental or leasing store
- Personal service establishment
- Resale boutique
- Residential care facility
- Retail store

- Special residential facility
- Thrift or charity shop

21. PUBLIC SCHOOL CONCURRENCY

These text amendments reflect changes made in the Broward County School Concurrency Interlocal Agreement.

CHANGES MADE FOR SECOND READING

The following changes have been made between first and second reading of this amendment:

- Storage containers – added language requiring storage containers to be set back the same as a principal building.
- Long term parking – added language that prohibits off street parking of vehicles and equipment in excess of 10 hours, including overnight parking.
- Significant changes were made to the industrial permitted use table to restore uses that were previously permitted, reducing categories to simplify the table and amended the footnotes as necessary.
- Added a used entitled 'Solid Waste disposal, transfer or recycling facilities which is identified as prohibited in all industrial districts.
- Temporary uses – added language allowing the Parks and Recreation Director to require City Commission approval if any event is determined that neighboring properties may be impacted. Also added, any event occurring more that two times per year on the same property must obtain City Commission approval.

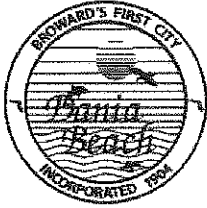
CITY COMMISSION PREVIOUS ACTION

On March 27, 2012, the City Commission approved this text amendment on first reading.

On March 13, 2012, the City Commission continued this item to the March 27th City Commission meeting.

STAFF RECOMMENDATION

Approve.



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643
 (954) 922-2687 Fax

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: Text Amendment

RECEIVED
 JAN 23 2012
**Planning
 Department**

Date Rec'd: 1/23/2012
 Petition No.: TX-05-12

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: City Wide

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) Com. Dev. Dept

Address of Applicant: 100 W. Dania Beach Boulevard

Business Telephone: 924-6805 Home: _____ Fax: 922-2687

E-mail address: _____

Name of Property Owner: City of Dania Beach

Address of Property Owner: 100 W. Dania Beach Boulevard

Business Telephone: 924-6800 Home: _____ Fax: _____

Explanation of Request: Various zoning Text Amendments

For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

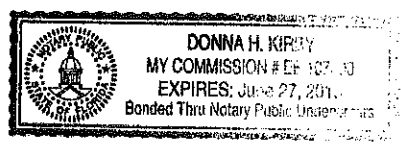
STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 30th DAY OF January, 2012

By:
Donna H. Kirby
(Print name of person acknowledging) (Joint owner signature if applicable)

Notary Donna H. Kirby
(Signature of Notary Public – State of Florida)



Personally known X or Produced Identification _____
Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

**NOTICE OF PUBLIC HEARINGS BEFORE CITY
COMMISSION OF THE CITY OF DANIA BEACH
REGARDING LAND DEVELOPMENT CODE AMENDMENTS**

NOTICE IS GIVEN that on May 8, 2012 at 7:00 p.m. or as soon thereafter as the matter may be heard, the City Commission of the City of Dania Beach, Florida, will conduct a public hearing in the Commission Chamber at Dania Beach City Hall, 100 West Dania Beach Boulevard, Dania Beach, Florida, to consider the proposed adoption of the following ordinances amend various articles of the City's Land Development Code and Sign Code as follows:

1)

TX-05-12 – LAND DEVELOPMENT CODE – AMENDMENT #4 - ORDINANCE NO. 2012-008 - AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE III "GARAGE SALES" OF CHAPTER 21 "SALES AND AUCTIONS" OF THE CODE OF ORDINANCES, CONCERNING REGULATIONS OF GARAGE SALES; AND AMENDING THE LAND DEVELOPMENT CODE BY AMENDING ARTICLE 105 "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS" REGARDING REGULATIONS OF OUTDOOR STORAGE CONTAINERS, COMMUNITY RESIDENTIAL HOMES AND RESIDENTIAL CARE FACILITIES; 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 INDUSTRIAL ZONING DISTRICTS AND CONDITIONS OF USE; AMENDING ARTICLE 205 "TABULAR SUMMARY OF SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS" TO PROVIDE DEVELOPMENT STANDARDS FOR THE OPEN SPACE (OS) ZONING DISTRICT; AMENDING ARTICLE 265 "OFF-STREET PARKING REQUIREMENTS" TO AMEND OFF-STREET PARKING REGULATIONS, AND REQUIREMENTS OF THE PAYMENT IN LIEU OF PARKING PROGRAM; AMENDING ARTICLE 302 "DETAILED USE REGULATIONS" CONCERNING PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES WITHIN THE COMMUNITY REDEVELOPMENT AREA FORM-BASED ZONING DISTRICTS; AMENDING ARTICLE 303 "DISTRICT DEVELOPMENT STANDARDS" TO PROVIDE FOR AMENDED DEVELOPMENT STANDARDS WITHIN THE CITY CENTER FORM-BASED ZONING DISTRICT; CREATING ARTICLE 307 "LANDSCAPING REGULATIONS" CONCERNING LANDSCAPING REQUIREMENTS WITHIN THE COMMUNITY REDEVELOPMENT AREA FORM-BASED ZONING DISTRICTS; CREATING ARTICLE 511 "INDUSTRIAL DESIGN STANDARDS" TO ESTABLISHMENT DESIGN REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT; AMENDING ARTICLE 610 "PUBLIC HEARING NOTICES" TO PROVIDE FOR AMENDMENTS TO PUBLIC NOTICE REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING ARTICLE 620 "ADMINISTRATIVE VARIANCES", CONCERNING AUTHORIZED ADMINISTRATIVE VARIANCES; AMENDING ARTICLE 675 "TEMPORARY USE AND SPECIAL EVENT PERMITS" TO AMEND THE PROCEDURES AND REQUIREMENTS FOR REVIEW AND APPROVAL OF TEMPORARY USES AND SPECIAL EVENTS; AMENDING ARTICLE 725 "DEFINITIONS" TO AMEND THE DEFINITIONS USED IN THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 805 "CONCURRENCY DETERMINATIONS" TO AMEND STANDARDS REGARDING PUBLIC SCHOOL CONCURRENCY TO PROVIDE FOR CONSISTENCY WITH THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN BROWARD COUNTY; 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.

2)

TX-06-12 - LAND DEVELOPMENT CODE - SIGN CODE AMENDMENT - ORDINANCE NO. 2012-009 - AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE LAND DEVELOPMENT CODE BY AMENDING ARTICLE 505 "SIGN REGULATIONS" TO PROVIDE FOR AMENDMENTS TO REGULATIONS OF SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

INSERT CITY BOUNDARY MAP HERE

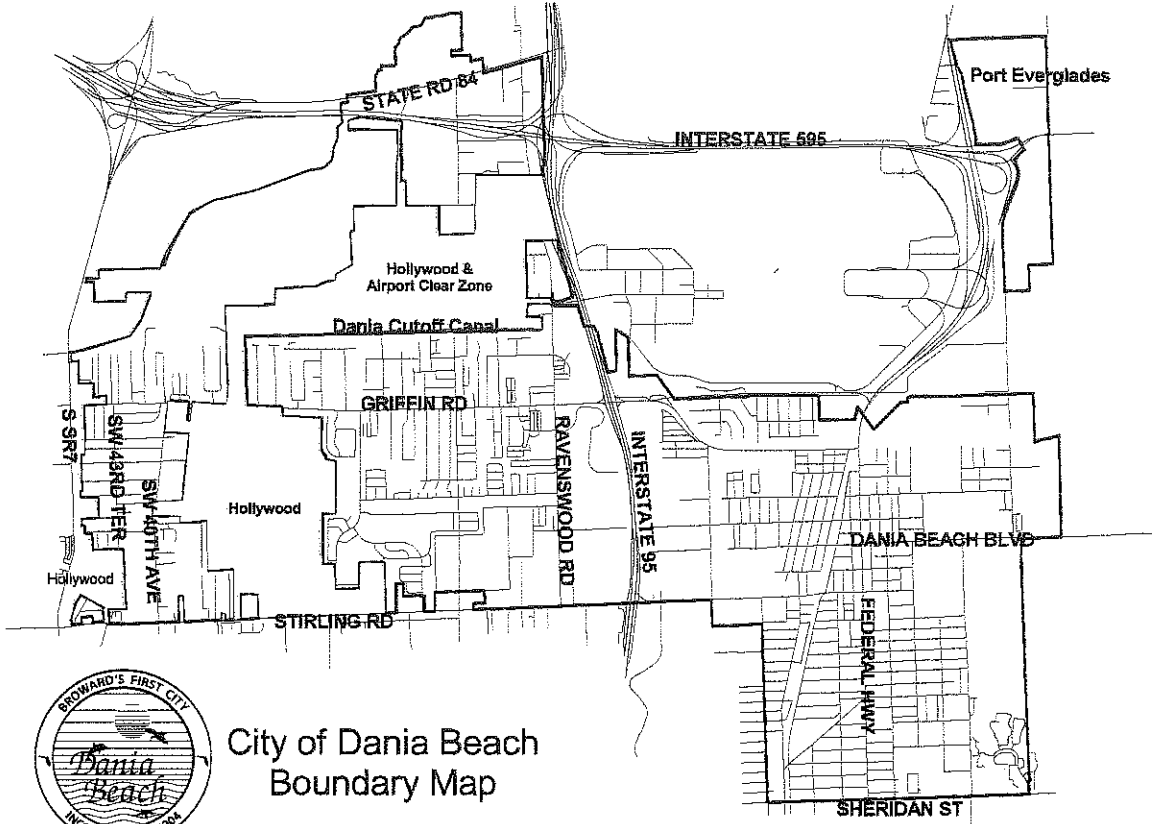
Copies of the proposed ordinances and proposed updates are available for viewing in the Community Development Department, 100 West Dania Beach Boulevard, Dania Beach, Florida, and may be inspected by the public during normal business hours. For more information please call the Planning Division at (954) 924-6805 x3643.

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.

Community Development Department / Planning Division
April 27, 2012

CITY BOUNDARY



City of Dania Beach
Boundary Map