



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

**DATE:** June 11, 2013

**TO:** Robert Baldwin, City Manager

**VIA:** Marc LaFerrier, AICP, Director

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

**SUBJECT:** **TX-11-13:** The applicant, City of Dania Beach, is requesting several zoning text amendments to the City's Unified Land Development Code, known as OneCode.

**REQUEST**

**TEXT AMENDMENT**

1. To allow outdoor storage of fully-assembled passenger vehicles, boats, boat trailers, and recreational vehicles, with conditions, in Marine zoning district; Article 110.
2. To allow indoor play areas in commercial zoning districts; Sec. 110-20.
3. To expand uses permitted in the industrial zoning districts; Section 115-40.
4. Amend the conditions of use related to perimeter landscape buffers for outdoor storage in the IROM-AA zoning district; Section 115-50.
5. To require minimum standards for fences on principal arterial roads; Article 235-40.
6. Remove exclusion of perimeter landscape buffers for vehicle use areas in the CRA; Section 275-90.
7. To reduce irrigation plan requirements from 100 percent completion to 60 percent completion for site plans; Section 275-80(M)(2)(g).
8. To modify the landscape requirements; Section 257-80, 275-100, 275-120 & 275-130.
9. To allow temporary parking lots, with conditions, in the CRA; Section 302-10 & 302-20.
10. To provide for the modification of the Design District overlay and regulations, Section 316.
11. To require removal of non-conforming box signs if not in use for 6 months or more; Section 505-30.

12. To allow monument signs and banners for city owned community facilities; Section 505-70.
13. Add the signage provisions for the Design District; Section 505-130.
14. Amend the site plan hearing requirement to exclude duplexes; Sec. 635-30.
15. To amend the temporary uses and special events to required events associated with an existing city business, a not-for-profit, or a private event; Section 675-20.

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. In addition, over time any set of regulations begins to get antiquated unless periodically updated.

The following amendments to the Unified Land Development Code are proposed:

1. **MARINE ZONING.** The proposed text amendment will expand the permitted uses in the district to include outdoor storage of fully-assembled passenger vehicles, boats, boat trailers, and recreational vehicles with the following conditions:
  - Property must be located south of the Dania Cut-off Canal and must be subject to a FPL transmission easement.
  - Storage must be screened from any adjoining residentially zoned properties by a landscaped opaque wall of 8'. Vinyl coated fence may be used instead of a wall for enclosures of storage areas along all property lines not adjacent to residential.
  - Security lighting shall be installed
  - No service, repair or vehicle washing activities shall be permitted
  - Access shall be controlled by a security gate
  - Hours of operation shall be limited to 7:00a.m. – 7:00 p.m.
  - Jet-skis and motorcycles shall not be stored within 100 feet of any residentially zoned property.

This use is limited to property located under the FPL transmission lines in the Marine zoning district and will provide property owners an opportunity to utilize their properties. The same uses and conditions were approved by the City Commission as part of a site plan approval granted in 2004.

2. **COMMERCIAL ZONING.** The amendment will add the new use of indoor play areas to the list of permitted uses in commercial zoning districts. Children's indoor play areas have increased in popularity in recent years and are currently not permitted in the city. This change is at the request of the property owner and a future tenant.

3. **INDUSTRIAL USES.** The proposed text amendment will expand permitted uses in the industrial districts to include:
  - Auction as an accessory use with conditions
  - Bakery;
  - Brewery or distillery (not permitted in IG);
  - Athletic training facility indoors including, but no limited to gymnastics, personal training, boxing, yoga, or dance without spectator seating;
  - Cabinet or furniture shop;

- Copy or printing shop;
- Indoor automobile, motorcycle or truck rental
- Repair of bicycles in an enclosed building;
- Spray painting/spray booth (not permitted in IG); and
- Telecom web-hosting facilities.

This change is in response to several property owners requesting greater flexibility to allow them to get more tenants in their buildings.

4. **CONDITIONS OF USE.** This amendment will change the landscape buffer requirements relating to berm height for properties 15 acres and larger by increasing buffer width from ten (10) feet to fifteen (15) feet and reducing berm height from five (5) feet to two and a half (2.5) feet. The landscape buffer area for properties less than 15 acres in size is being reduced from fifteen (15) feet to ten (10) feet. These changes are necessary because the current standards are cumbersome and unattainable. The proposed change maintains the intent of the code by continuing to require perimeter landscape buffering around a site to be use for outdoor storage.

5. **FENCES.** The proposed amendment will require fences on vacant property located on a principal arterial road to be no taller than four (4) feet and must be black vinyl coated. This regulation will not require vacant property to be fenced. If fencing is proposed, these minimum standards must be met.

6. **PERIMETER LANDSCAPING – VEHICLE USE AREAS.** The proposed amendment will remove the CRA exclusion requiring installation of perimeter landscape buffers for vehicle use areas. This change is consistent with the intent of the CRA Redevelopment Plan to screen parking area from general view.

7. **IRRIGATION PLANS –** This amendment changes the required irrigation plans associated with a site plan from 100 percent completion to 60 percent completion. The proposed change reflects the industry standard.

8. **LANDSCAPE REQUIREMENTS.** Corrections are being proposed to four additional sections of Article 275 entitled Landscape Requirements. This first is a scrivener's error changing a reference in the Landscape plans required section from Section 825-130 to Section 825-140.

The second amendment addresses vehicular use landscape areas abutting buildings and is in response to several site plans that have recently come forward with variance requests to reduce these required areas. The amendment requires a minimum five (5) feet of landscaping, or the equivalent square footage, to be provided next to the building, the remaining requirement may be added to the perimeter landscape buffer if it is not able to be placed next to the building. By doing so a greater flexibility is allowed while still obtaining all the landscaping required by code today.

The third text change proposed will encourage developers to plant larger trees on the perimeter of properties. This regulation will result in more mature, lush trees visual to the public on new development sites.

The final change is related to perimeter buffer landscape requirements for residential properties. This section of the code requires all single family residential properties to provide a ten (10) landscape buffer with a continuous row of hedges and one (1) tree for

each thirty (30) linear feet along any street frontage. Any fences or walls must be placed outside this landscaped buffer area. This requirement is viewed as cumbersome to impose on an existing community. Staff is amending this requirement to apply to new multiple family developments of three (3) units or more.

9. **TEMPORARY PARKING LOTS** – The amendment will add temporary parking lots as an allowable use in the CRA, for a period of 24 months. This regulation will help facilitate businesses in the downtown by potentially providing parking where little parking exists while activating under utilized properties. This regulation is consistent with the intent of the CRA Redevelopment Plan.

10. **DESIGN DISTRICT** – Currently this section of the code has a provision that calls for a review of the regulations in order to update program incentives, recommend program or marketing changes to the jurisdiction, review suggestions made by program participants and district expansion possibilities. The changes proposed to the Design District regulations affect the following three areas:

- **Design District Overlay location** – the amendment will expand the district to include the two (2) acre property located at the north east corner of Stirling Road and Bryan Road. This property is being included in the district at the property owner's request.
- **Display of Public Art** – the amendment adds parking lots as an allowable location to display public art.
- **Design Criteria** – the proposed changes amend the design criteria to be less restrictive than it currently is today to allow greater creativity and flexibility to the property owners within the district.

11. **NON-CONFORMING SIGNS.** The amendment will require removal of non-conforming box signs if not in use for 6 months or more. This regulation is similar to the six month limitation on non-conforming uses.

12. **CITY OWNED COMMUNITY FACILITY SIGNAGE.** To allow monument signs and banners for city owned community facilities. This regulation would allow city parks and the community garden to have a monument sign and hang banners. Currently, the zoning code excludes community facilities.

13. **DESIGN DISTRICT SIGNAGE.** This amendment will add the signage provisions for the Design District that were originally approved in 2011 when the Design District was created. In 2012 a new sign code was adopted, which erroneously eliminated this section.

14. **SITE PLAN REQUIREMENT.** With this amendment staff is proposing to allow duplexes to be built without requiring site plan approval. All other requirements will still apply and be reviewed prior to issuance of a building permit.

15. **TEMPORARY USES AND SPECIAL EVENTS.** The proposed amendment will require all events to be located on developed property with an active business tax receipt from the city or upon city property as authorized and/or permitted, and must be for the sole purpose of:

- Benefiting a legal business currently licensed & occupying a permanent place of business in the city;
- Benefiting a not-for-profit entity or charitable organization;
- Charitable purposes only; or
- A private gathering.

**PLANNING AND ZONING BOARD RECOMMENDATION**

On April 17, 2013 and May 15, 2013 the Planning and Zoning Board recommended approval of the proposed text amendment with minor changes.

**STAFF RECOMMENDATION**

Approve.

SUN SENTINEL

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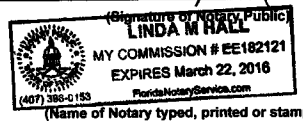
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared Mark Kuznitz who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE In the matter of THE CITY DANIA BEACH - CITY COMMISSION MEETING appeared in the paper on MAY 31, 2013 A.D. ID 1495257 Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised, any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Mark Kuznitz, Affiant

Sworn to and subscribed before me on 31, MAY, 2013 A.D.

Linda M. Hall



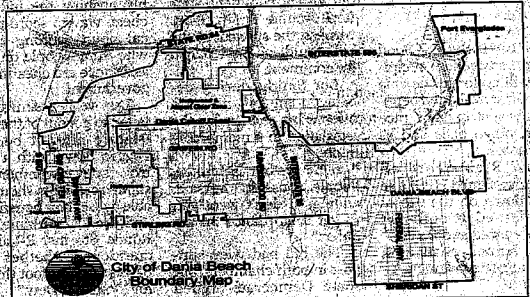
Personally Known X or Produced Identification

NOTICE OF PUBLIC HEARING ON LAND DEVELOPMENT CODE AMENDMENTS CITY OF DANIA BEACH, FLORIDA

A Public Hearing will be conducted by the Dania Beach City Commission on the following Ordinance to amend the text of the Dania Beach Land Development Code on the following date:

CITY COMMISSION MEETING

DATE: Tuesday, June 11, 2013
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



- 1) TX-11-13 - The applicant, City of Dania Beach is requesting to several zoning text amends the city's Unified Land Development Code, known as OneCode. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA TO AMEND THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE BY 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 116 "INDUSTRIAL DISTRICTS" PERMITTED, PROHIBITED, SPECIAL EXEMPTION USES, AND CONDITIONS OF USE TO AMEND PERMITTED USES AND CONDITIONS OF USE; AMENDING ARTICLE 235 "WALLS, FENCES AND HEDGES" REGARDING FENCING STANDARDS; AMENDING ARTICLE 265 "OFF-STREET PARKING REQUIREMENTS" TO AMEND MINIMUM PARKING REQUIREMENTS; AMENDING ARTICLE 275 "LANDSCAPING STANDARDS" REGARDING LANDSCAPING REQUIREMENTS; AMENDING ARTICLE 302 "DETAILED USE REGULATIONS REGARDING TEMPORARY PARKING LOTS; AMENDING ARTICLE 316 "DESIGN DISTRICT OVERLAY" CONCERNING STANDARDS AND REQUIREMENTS WITHIN THE DESIGN DISTRICT OVERLAY AREA; AMENDING ARTICLE 305 "SIGN REGULATIONS" CONCERNING REQUIREMENTS REGARDING EXEMPTIONS FROM SITE PLAN REVIEW; AMENDING ARTICLE 375 "TEMPORARY USE AND SPECIAL EVENT PERMITS" REGARDING REQUIREMENTS FOR TEMPORARY USES AND SPECIAL EVENTS; PROVIDING FOR AMENDMENTS THROUGHOUT THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE TO CORRECT SCRIBENERS ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

A copy of the proposed Text Amendment are available for viewing in the Community Development Department, 100 West Dania Beach Boulevard, Dania Beach, Florida, and can be inspected by the public during normal business hours. For more information please call Planning Division at (954) 924-6800 x3643.

In accordance with the Americans With Disabilities Act, persons needing assistance 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 a meeting.

Please be advised that if a person desires 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. For this purpose such person may need to ensure that a verbatim record of the proceedings made, which record includes the testimony and evidence upon which the appeal is based. The city does not provide or prepare such record pursuant to its 286.0105.

Community Development Department Planning Division Published: Friday, May 31, 2013