**ORDINANCE NO. 2013-004**

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 115 “INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION 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 505 “SIGN REGULATIONS” CONCERNING REQUIREMENTS RELATED TO SIGNS; AMENDING ARTICLE 635 “SITE PLANS” REGARDING EXEMPTIONS FROM SITE PLAN REVIEW; AMENDING ARTICLE 675 “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 SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS,** Objective V of the Future Land Use Element of the City of Dania Beach Comprehensive Plan provides that the City of Dania Beach will maintain land development regulations and zoning regulations to implement the City’s Comprehensive Plan; and

**WHEREAS,** the City Commission of the City of Dania Beach (“City Commission”) finds it periodically necessary to amend its Code of Ordinances and Land Development Code (“Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS,** Community Development Department staff has identified a need to amend the Code in order to authorize and provide for amended regulations for the outdoor storage of fully-assembled passenger vehicles, boats and boat trailers, and recreational vehicles within the Marine zoning district; and

**WHEREAS,** Community Development Department staff further finds that certain properties within the Marine zoning district are subject to constraints imposed by a Florida Power and Light transmission easement, which limits the utilization of such properties for the range of commercial land uses currently permitted within the zoning district; and

**WHEREAS,** Community Development Department staff further finds that such properties within the Marine zoning district have historically been utilized for the outdoor storage of fully-assembled passenger vehicles, boats and boat trailers, and recreational vehicles; and

**WHEREAS,** accordingly, Community Development Department staff recommends amending the uses permitted within the Marine zoning district, in order to authorize such outdoor storage uses for properties located south of the Dania Cut-Off Canal which are subject to a Florida Power and Light Company transmission easement of at least 170 feet in width, subject to conditions; and

**WHEREAS,** in order to provide for indoor play centers offering primarily physical and imaginative non-electronic recreational opportunities for pre-school and elementary aged children, Community Development Department staff further finds that it is necessary to amend the permitted uses authorized for the C-1, C-2, C-3 and C-4 Commercial zoning districts, and to provide for an appropriate off-street parking standard for this use; and

**WHEREAS,** Community Development Department staff has identified a need to amend the Code in order to authorize and provide for amended regulations for permitted uses within the Industrial zoning districts; and

**WHEREAS,** Community Development Department staff has identified a need to amend the fencing standards for vacant properties located on principal arterial roadways; and

**WHEREAS,** Community Development Department staff has identified a need to amend the perimeter buffer landscape requirements for business, commercial and industrial properties, within all zoning districts except for the CC, SFED-MU, EDBB-MU, and NBHD-MU CRA form-based zoning districts, and to amend the interior landscape requirements for landscape requirements for residential properties, vehicular use areas and landscape plans; and

**WHEREAS,** Community Development Department staff desires to provide for temporary parking lots to be permitted within the City Center zoning district for a period of no more than 24 months, with a one (1) year renewal possible by approval of the Community Development Director, in order to allow for adequate parking to be provided to serve new development and redevelopment within the district; and

**WHEREAS,** Community Development Department staff desires to provide for amendments to the requirements for properties located within the Design District Overlay area, including updated development design criteria, sign standards and parking requirements; and

**WHEREAS,** in order to expedite the removal of non-conforming signage and promote the installation of signage which conforms with Article 505 of the Code, Community Development Department staff desires to provide that all non-conforming signage, including cabinets, raceways, wiring, and all other sign components, shall be removed if no business holding a current Business Tax Receipt has occupied the property or tenant space where the sign is located for a period of six (6) months or more; and

**WHEREAS,** Community Development Department staff has identified a need to amend the City’s sign regulations in order to provide for specific sign standards for community facilities, and for properties located within the Design District Overlay area; and

**WHEREAS**, Community Development Department staff desires to provide for amended regulations of temporary uses or special events which must be located on developed property with an active business tax receipt issued by the City, or upon City property as authorized in accordance with Article 675; and

**WHEREAS,** the Planning and Zoning Board, sitting as the City’s Local Planning Agency, has reviewed this Ordinance, and has determined that it is consistent with the City’s Comprehensive Plan; and

**WHEREAS**, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of the time and dates of the public hearings; and

**WHEREAS,** two (2) public hearings were held before the City Commission pursuant to the published notice described above; and

**WHEREAS,** the City Commission finds that adoption of this Ordinance through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City’s Comprehensive Plan.

**Section 1**. That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

**Section 2.** That Article 110 “Use Regulations for Commercial and Mixed-Use Districts” of the City of Dania Beach Land Development Code is amended as follows:

# CHAPTER 28. LAND DEVELOPMENT CODE.

## ARTICLE 110. USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS.

## Sec. 110-20. List of permitted, special exception and prohibited uses.

\* \* \*

| **Legend**P – permittedP(#) –permitted subject to numbered footnoteA – permitted accessory use onlySE – permitted special exception use only- not permitted**USES**  |  | MIXED USE DISTRICTS | COMMERCIAL ZONING DISTRICTS |
| --- | --- | --- | --- |
| INDUSTRIAL |  | CRA FORM-BASED DISTRICTS |  |
| MA | RO (see sec 110-180) | CC | EDBB-MU | SFED-MU | GTWY-MU | NBHD-MU | C-1 | C-2 | C-3 | C-4 |
| Indoor play center providing primarily physical and imaginative non-electronic recreational opportunities for primarily pre-school and elementary aged children, and which may also offer accessory retail sales, food and beverage sales. | NP | NP | NP | NP | NP | NP | NP | P | P | P | P |
| \* \* \* |  |  |  |  |  |  |  |  |  |  |  |
| Outdoor storage of fully-assembled, operational passenger vehicles, boats and boat trailers, and recreational vehicles [subject to Sec. 110-300] | P | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| \* \* \* |  |  |  |  |  |  |  |  |  |  |  |

**Sec. 110-300. Conditions of Use for Outdoor Storage of Fully-Assembled Passenger Vehicles, Boats and Boat Trailers, and Recreational Vehicles in the Marine Zoning District.**

The conditions required for the outdoor storage of fully-assembled passenger vehicles, boats and boat trailers, and recreational vehicles to be permitted within the Marine zoning district are as follows:

(A) The subject property must be located south of the Dania Cut-Off Canal, and must be subject to a Florida Power and Light Company transmission easement of at least 170 feet in width.

(B) The storage use shall be screened and buffered from any adjoining residentially-zoned properties by a landscaped opaque wall of eight (8) feet in height. A landscaped opaque wall, or landscaped chainlink fence which is coated with black vinyl on all fence material and framing, and is eight (8) feet in height, may be utilized for enclosure of storage areas along all property lines which are not adjacent to residentially-zoned properties. If a chainlink fence is used, the fence frame must include a top horizontal support bar. All chainlink fencing shall be grounded.

(C) Security lighting shall be installed with shields that preclude light spillage onto adjacent residential properties.

(D) No service, repair or vehicle washing activities shall be permitted on the premises.

(E) Access shall be controlled by a security gate.

(F) Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(G) Jet-skis and motorcycles shall not be stored within 100 feet of any residentially-zoned property.

\* \* \*

**Section 3.** That Article 115 “Industrial Districts: Permitted, Prohibited and Special Exception Uses, and Conditions of Use” of the City of Dania Beach Land Development Code is amended to read as follows:

## ARTICLE 115. INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE

## Sec. 115-40. Schedule of permitted uses.

**Legend**

P – permitted

A – permitted accessory use only

#, # – (ex: 1,2) permitted subject to the conditions of use numbered 1 and 2 found in sec. 115-50

SE – permitted special exception use only, pursuant to article 630

SE(#, #) =(ex:1,2): permitted as a special exception only, and subject to conditions of use numbers 1 and 2 found in sec. 115-50.

NP

 - Not permitted

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **USES** | **IROM** | **IROM-AA** | **IROC** | **IRO** | **IG** | **IR** | **PEDD** | **MA-1** |
| **COMMERCIAL USES** |
| Auction as an accessory use, limited to one auction monthly, only on off hours (i.e. evenings or weekends) | P | P | P | P | NP | NP | NP | NP |
| Automobile rental (indoor/outdoor) | 33, 74 | 33, 74 | 32, 2 ~~NP~~ | NP | NP | SE ~~NP~~ | P | P |
| Indoor sales, service, display, rental or repair of automobiles, motorcycles or trucks | 33, 73, 74 | 33, 73, 74 | 32, 2  | NP | NP | SE | NP | P |
| **LIGHT INDUSTRIAL USES** |
| \* \* \*  |  |  |  |  |  |  |  |  |
| Bakery | P | P | P | P | P | P | NP | P |
| Brewery or distillery | P | P | P | P | NP | P | NP | P |
| Athletic training facility (indoors) including, but not limited to a facility offering gymnastics, fitness training, boxing, yoga, or dance, with no spectator seating | P | P | P | P | P | P | NP | P |
| Cabinet or furniture shop (wood working) | P | P | P | P | P | P | NP | P |
| Copy or printing shop | P | P | P | P | P | P | NP | P |
| Contractor shops, repair or services shops including, but not limited to, air conditioning and other appliances, marine, cloth or canvas | 2 | 2 | 2 | ~~N~~P | P | P | NP | P |
| Repair of bicycles in an enclosed building | P | P | P | P | P | P | NP | P |
| Spray painting/spray booth | P | P | P | P | NP | P | NP | P |
| Telecom web-hosting facilities | P | P | P | P | P | P | NP | P |

## Sec. 115-50. Conditions of use.

\* \* \*

(75) *Conditions of use:* Provided the area is secured and screened by an opaque fence or wall (chain link with slat not permitted) with a ten (10)-foot wide landscape buffer with a continuous hedge and a tree planted every forty (40) linear feet and is separated from adjacent roadways or rights-of-way by landscaping pursuant to the requirements of [Article 275](http://library.municode.com/HTML/10626/level4/PTIICOOR_CH28LADECO_PT2SIDERE_ART275LARE.html#PTIICOOR_CH28LADECO_PT2SIDERE_ART275LARE), landscaping requirements. The fence or wall must be located on the inside of the landscape buffer area.

(76) ~~Provided the area is~~ Properties larger than 15 acres must be secured and ~~screened~~ the area must be screened by providing an opaque fence or wall (chain link with slat not permitted) with a ~~ten~~ fifteen-foot wide landscape buffer with a ~~five~~ two and one-half-foot high ~~meandering or winding~~ berm along the front property line and ~~a three-foot high meandering or winding berm~~ a minimum of seven and a half (7.5) foot wide landscape buffer areas along the side and rear property lines. The ~~berm~~ landscape buffer areas shall also have a continuous hedge screen with a minimum height of three (3) feet ~~on top of the berm~~ and provide trees planted every forty (40) linear feet. The opaque fence or wall must be located on the inside of the landscape buffer area. Properties ~~larger~~ less than ~~five (5)~~ fifteen (15) net acres shall provide a ~~fifteen~~ ten-foot wide landscape buffer ~~with~~ along the front property line and a five-foot ~~high~~ ~~meandering or winding berm along the front property line~~ wide landscape buffer on the side and rear with required linear trees and hedges.

(77) A fifteen-foot wide landscape buffer with a ~~five~~ two and a half (2.5) foot high meandering or winding berm and an opaque fence or wall (chain link with slat not permitted) equaling eight (8) feet total height is required adjacent to residentially zoned or used land. The fence or wall must be located on the inside of the landscape buffer area.

**Section 4.** That Article 235 “Walls, Fences and Hedges” of the City of Dania Beach Land Development Code is amended as follows:

# ARTICLE 235. WALLS, FENCES AND HEDGES.

## Sec. 235-40. Materials.

(A) *Barbed wire, electrification.*  In residential zoning districts, CRA form-based zoning districts and along property lines abutting residentially zoned properties or CRA form-based zoning districts, no fence shall be constructed of barbed wire, electrified wire or any material inherently dangerous.

(B) Fences or walls shall be constructed of masonry materials, wood, chain link, P.V.C. or other materials approved by the building code. Louvered concrete fences are prohibited. Fences existing prior to the date of adoption of this section that do not comply with this subsection shall be governed by the nonconforming structure provisions of Article 710.

(C) Fences on vacant properties located on principal arterial roadways as identified in sec. 510-20(a) shall be a maximum of four (4) feet in height and must provide black vinyl coating on the chain link material and frame. The fence frame must include a top horizontal support bar.

## \* \* \*

**Section 5.** That Article 265 “Off-Street Parking Requirements” of the City of Dania Beach Land Development Code is amended as follows:

**ARTICLE 265. OFF-STREET PARKING REQUIREMENTS.**

**Sec. 265-50. Off-street parking required; on-street parking credit.**

\* \* \*

**SCHEDULE OF MINIMUM OFF-STREET** **PARKING REQUIREMENTS**

|  |  |  |  |
| --- | --- | --- | --- |
| 38 | Indoor Play Center  | One (1) per three hundred (300) sf |  |
| ~~38~~39 | Laundromat | One (1) per one hundred fifty (150) sf or three (3) machines (greater of) | One (1) per two hundred fifty (250) sf |
| ~~39~~40 | Marina | One (1) per boat berth |  |
| ~~40~~41 | Medical office | One (1) per two hundred (200) sf | One (1) per two hundred fifty (250) sf |
| ~~41~~42 | Miniature golf, golf driving range, archery range, gun range, batting cage | Three (3) plus two (2) per hole and driving, hitting or shooting position |  |
| ~~42~~43 | Motion picture studio | One (1) per three hundred (300) sf |  |
| ~~43~~44 | Motor fuel pumps (retail) | One (1) per two hundred (200) sf devoted to automotive useRequired pkg for additional uses shall be calculated separately |  |
| ~~44~~45 | Office, business and professional | One (1) per three hundred (300) sf | One (1) per four hundred fifty (400) sf if located within eight hundred (800) feet of a public parking facility; otherwise, one (1) per three hundred (300) sf  |
| ~~45~~46 | Outdoor commercial recreation facility (other) | One (1) per four (4) persons of capacity on each ride or exhibit (including waiting area) plus: |  |
|  |  | One (1) per four (4) seats in the viewing or spectator area plus |  |
|  |  | Fifteen (15) per net acre of land designated for outdoor recreation, plus one (1) space for each |  |
| ~~46~~47 | Outdoor stands | Five (5) per stand |  |
| ~~47~~48 | Personal service establishments, retail dry cleaner | One (1) per two hundred fifty (250) sf | One (1) per three hundred (300) sf |
| ~~48~~49 | Public utility or service facility | One (1) per one hundred (100) sf of CSA or | One (1) per two hundred (200) sf of CSA or |
|  |  | One (1) per five hundred (500) sf of office and warehouse | One (1) per six hundred (600) sf of office and warehouse |
| ~~49~~50 | Restaurant, fast food, drive-in or drive-through | One (1) per fifty (50) sf of CSA plus: |  |
|  |  | Eight (8) I/B stacking spaces and two (2) O/B stacking spaces for any drive-through window are required plus: | One (1) per sixty (60) sf of CSA plus:Eight (8) I/B stacking spaces and two (2) O/B stacking spaces for any drive-through window are required |
|  |  | One (1) per two hundred (200) sf of remaining GFA and outdoor seating area | One (1) per three hundred (300) sf of remaining GFA and outdoor seating area |
| ~~50~~51 | Restaurant, take-out | One (1) per seventy-five (75) sf of CSA |  |
| ~~51~~52 | Restaurants, full-service; nightclubs; bars; and other eating places | One (1) per forty (40) sf of CSA including open-air seating area | One (1) per sixty (60) sf of CSA including open-air seating area |
|  |  | One (1) per thirty (30) sf of CSA if live entertainment is provided | No additional parking required for live entertainment |
| ~~52~~53 | Retail and shopping centers under forty thousand (40,000) sf of GFA | One (1) per three hundred (300) sfUses with greater pkg requirement than retail shall be calculated separately |  |
| ~~53~~54 | Shopping center forty thousand (40,000) sf of GFA or larger | One (1) per two hundred fifty (250) sfIncludes up to ten (10) percent of sf for uses with greater pkg requirement than retail. Additional sf above ten (10) percent for such uses shall be calculated separately.  | One (1) per three hundred (300) sf |
| ~~54~~55 | Specialized printer, reproduction shop | One (1) per three hundred (300) sfFor specialized graphics editing, "blueprint" reproduction or both |  |
| ~~55~~56 | Sport courts as a principal use | Two (2) per court |  |
| ~~56~~57 | Vehicle display, sales, rental, leasing | One (1) per two hundred (200) sf plus: |  |
|  |  | One (1) per two thousand (2,000) sf of outdoor vehicle display or storage area |  |
| ~~57~~58 | Vehicle repair or body shop establishment | Three (3) per vehicle position inside the repair bays. |  |
| (D) Industrial Uses |
| ~~58~~59 | Distribution terminal | One (1) per seven hundred (700) sf |  |
| ~~59~~60 | Industrial, manufacturing, labs, and research uses | One (1) per five hundred (500) sfPkg for accessory office, warehouse & showroom areas shall be calculated separately. |  |
| ~~60~~61 | Self-storage, or warehouse | One (1) per two thousand (2,000) sfPkg requ. for associated uses including the management office shall be calculated separately |  |
| ~~61~~62 | Service or repair, general | One (1) per five hundred (500) sf |  |
| ~~62~~63 | Showroom, wholesale to trades \* | One (1) per four hundred (400) sf\* accessory to office or warehouse |  |
| ~~63~~64 | Storage or warehouse | One (1) per one thousand (1,000) sf |  |
| ~~64~~65 | Storage, long-term | One (1) plus per one thousand five hundred (1,500) sf |  |
| ~~65~~66 | Studio \* | One (1) plus three hundred (300) sf\*for music, dance, art, etc |  |
| ~~66~~67 | Taxidermist | One (1) per four hundred (400) sf |  |
| ~~67~~68 | Yacht club, charter boat, sightseeing boat, excursion boat or gambling boat | Seven-tenths (0.7) per slipParking requirement for other uses operated in conjunction with the primary use shall be calculated separately. |  |
|  |  | Plus one (1) per two (2) persons allowed within max. boat occupancy |  |

**Section 6.** That Article 275 “Landscaping Requirements” of the City of Dania Beach Land Development Code is amended as follows:

**ARTICLE 275. LANDSCAPING REQUIREMENTS**

**Sec. 275-80. Landscape plans required.**

A landscape plan shall be submitted with the site plan for consideration by the planning and zoning board and the city commission. The landscape plan shall be signed and sealed by a Florida registered landscape architect, shall conform to the guidance provided in the City of Dania Beach Landscape Technical Manual and shall at a minimum contain the following:

\* \* \*

(A) Minimum scale equivalent to the site plan.

(B) Existing trees with a unique number assigned to each tree.

(C) A tree survey table with the following information listed by tree number corresponding to the numbered existing trees on the plan view:

(1) Common and scientific species name

(2) Diameter at breast height in accordance with the definition in Sec. 825-50.

(3) Canopy cover in square feet

(4) Tree condition

(5) Proposed disposition (remain, relocate or remove)

(6) Dollar value of specimen trees calculated in accordance with Sec. 825-~~130~~ 140 of the Dania Beach code.

\* \* \*

 (M) Irrigation plan containing the following:

(1) A scale of one (1) inch equaling a maximum of thirty (30) feet;

(2) Location of existing ~~or~~ and proposed trees, vegetation and ecological communities, if applicable;

(a) Location of existing building, paving and site improvements to remain;

(b) Location of proposed buildings, paving, site improvements and water bodies;

(c) Water main location, size and specifications;

(d) Valve location, size and specifications;

(e) Pump location, size and specifications and water source;

(f) Backflow prevention device type and specifications;

(g) Zone layout plan (minimum scale one (1) inch equals a maximum of twenty (20) feet), which is at least 60 percent complete, indicating sprinkler head types with location and coverage range, specifications and spacing of heads, and whether manual or automatic irrigation controls will be used. ~~along with~~ The plan shall indicate the water source (canal, greywater, etc.) and methods used to comply with Florida Friendly landscape principles including rain sensing devices, use of nonpotable water where available, minimization of application to impervious areas and ~~developing~~ placement of irrigation zones according to landscape needs, as required by F.S. § 125.568.

\* \* \*

## Sec. 275-90. Perimeter buffer landscape requirements for vehicular use areas (VUAs).

\* \* \*

1. *Business, commercial and industrial properties*.
2. On the site of a building or open lot use providing a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way or adjacent property, there shall be provided landscaping between such area and such abutting right-of-way or property as follows. ~~This subsection shall apply within the following CRA form-based districts only to surface parking lots as a principal use: CC, SFED-MU, EDBB-MU, NBHD-MU.~~

\* \* \*

## Sec. 275-100. Interior landscape requirements for vehicular use areas (VUAs).

\* \* \*

1. *Vehicular use landscape areas abutting buildings.*

(1) *Requirements for site plans not within CRA-form-based districts*. A landscaped area having a minimum width of five (5) feet, or the equivalent square footage, shall separate the VUA from the walls of a single story building. The minimum landscaped area width shall increase by five (5) feet for each additional story up to a maximum landscaped area of twenty-five (25) feet~~, except within the CRA form-based districts~~. If the site constraints and configuration limit the ability to provide the required dimensions adjacent to the building, a minimum five (5) feet of landscaping, or the equivalent square footage, must be provided adjacent to the building, and the additional required square footage not provided adjacent to the building must be added to the perimeter landscape buffer of the site.

(2) *Requirements for site plans within CRA-form-based districts.* Within the CRA form-based districts, the minimum width of the landscaped VUA buffer area shall remain five (5) feet regardless of the number of stories. The landscape area shall be designed to accommodate pedestrian access. This requirement shall not apply to openings into garages, ~~and~~ carports, ~~or~~ loading docks, or pool decks. At a minimum, an amount equal to five (5) feet of landscaping, or the equivalent square footage, must be provided adjacent to the building, and the additional required square footage not provided adjacent to the building must be added to the perimeter landscape buffer of the site.

\* \* \*

## Sec. 275-120. Perimeter buffer landscape requirements for business, commercial and industrial properties.

A ten-(10) foot landscape buffer shall be provided around the perimeter of the property in all zoning districts except for the CC, SFED-MU, EDBB-MU, and NBHD-MU CRA form-based districts, and except for areas required to provide landscape buffers in accordance with sections 275-90 or 275-110. Buffer requirements for properties less than half an acre in size are required to provide a minimum five (5) foot landscape buffer around the perimeter of the property except where adjacent to residential, in which case ten (10) feet is required. Such landscape buffer shall contain one (1) shade tree for each forty (40) linear feet and a row of hedges. Shade trees provided to satisfy the requirements of this section shall have a minimum overall height of sixteen (16) feet immediately upon installation.

\* \* \*

## Sec. 275-130. Perimeter buffer landscape requirements for residential properties.

A landscape buffer shall be provided around the perimeter of lots that are zoned or used for residential use as follows, except within the CC, SFED-MU, EDBB-MU, and NBHD-MU CRA form-based zoning districts, where this requirement shall not apply:

1. Landscape buffers required in accordance with sec. 275-90 shall fulfill the requirement of this section.
2. Areas abutting trafficways as designated on the Broward County Trafficway Plan shall provide a fifteen (15) foot landscape buffer.
3. New multiple family development (three or more units) ~~Areas~~ abutting local public streets shall provide a ten (10) foot landscape buffer, provided that a five (5) foot landscape buffer shall be allowed ~~if the property on the opposite side of the street is used or zoned for townhouse or multifamily use, or~~ if the city commission determines that based on the size, width, depth, configuration, or location of the lot, it is impractical to provide the required ten (10) foot landscape buffer. In the event more than one of the above subsections applies, the most restrictive subsection (i.e., the one requiring the widest buffer) shall be used. ~~No w~~ Walls or fences shall be permitted five (5) feet from property line abutting a street provided ~~within any of the above referenced landscape buffers. Each landscape buffer shall contain~~ a continuous row of hedges is provided on the outside of the fence (closer to the street). In addition, one (1) tree for each thirty (30) linear feet must be located within ten (10 ) feet of the property line.

**Section 7.** That Article 302 “Detailed Use Regulations” of the City of Dania Beach Land Development Code is amended as follows:

# ARTICLE 302. DETAILED USE REGULATIONS.

## Sec. 302-10. Permitted, special exception and prohibited uses.

| **Legend**:P = PermittedSE = Special Exception use(#) = Permitted subject to the restriction in sec. 302-20 having the same number that is within the parenthesis NP = Not PermittedAbbreviations:EDBB = East Dania Beach BoulevardSFED = South Federal Highway | **Districts** |
| --- | --- |
| City Center | EDBB-MU | SFED-MU | GTWY-MU | NNBHD-MU | NBHD-RES |
|  Principal Street Frontage |
| EDBB | Other streets | S. Fed. Hwy Sheridan St. | Other Streets |
|  | RESTRICTED COMMERCIAL |
|  | \* \* \* |  |  |  |  |  |  |  |  |
| Temporary parking lots [subject to conditions of use listed in Sec. 302-20(17)] | (17) | NP | NP | NP | NP | NP | NP | NP |
| \* \* \* |  |  |  |  |  |  |  |  |

## Sec. 302-20. Conditions of use.

(A) The following are the conditions of use that correspond to the numbers in the schedule of permitted, special exception and prohibited uses.

\* \* \*

(17) *~~Reserved~~* Temporary parking lots may be permitted within the City Center zoning district for a period of no more than 24 months, with a one (1) year renewal possible by approval of the Community Development Director, in accordance with the following requirements of this subsection.

(A) Temporary parking lots shall be permitted in the following circumstances:

1. To supplement required parking for new and existing businesses on existing developed properties where minimum required off-street parking is provided on-site.

2. To provide a temporary method for satisfaction of the minimum off-street parking requirements for existing non-conforming developments, pending the approval and construction of a permanent parking lot to serve such developments.

3. As public parking, open to the general public.

(B) Application requirements for temporary parking lots shall be as follows:

1. Prior to the issuance of the temporary parking permit, the applicant shall submit a site plan which includes proposed grade elevations, landscaping and other information which addresses the regular maintenance of the parking surface and irrigation of the landscaped areas.
2. The temporary parking plan shall identify the layout of parking spaces, aisles, all points of vehicular ingress and egress, and landscape areas.
3. The parking lot surface shall be brought to grade with a dust-free surface of one of the following materials over soil which has been compacted to 95% maximum:

a. A minimum of four inches of crushed limerock or shellrock coated with a prime coat per “FDOT Standard Specifications for Road and Bridge Construction”, latest edition;

b. A minimum of four (4) inches of pearock, gravel or river rock; or

c. A minimum of six (6) inches of mulch.

1. If the lot is not operated on a 100% valet basis, wheel stops shall be provided as a means to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to the standards of Article 265.
2. Driveway aprons between the property line and edge of street pavement shall be constructed of asphalt or concrete.
3. The parking lot perimeter shall be buffered with a minimum five (5) feet wide landscape buffer. Landscape materials must be xeriscaped or irrigated.
4. If the parking lot will be utilized at night, the applicant shall contract with FPL to install supplementary lighting on adjacent power poles where possible. The applicant may, as an option, provide alternative on-site lighting for the parking lot.
5. Existing trees of 4 inches or greater diameter at 4-1/2 feet above the ground shall not be removed from the site.

(C) The City Engineer shall review the grading plan for the temporary parking lot, and shall notify the community development director as to whether the plan meets all applicable grading requirements. Upon receipt of all required information pursuant to this subsection, the community development director shall review the application, and upon assurance that all applicable regulations and requirements are satisfied, the community development director shall issue an administrative permit for the temporary parking lot for a period of time which shall not exceed 24 months.

(D) The temporary parking lot shall be monitored for compliance with the approved plan. Should the Code Compliance Department find that the operation of a temporary parking lot is not in compliance with this subsection or if the lot has an adverse effect on surrounding properties, and the applicant is unable or unwilling to rectify such noncompliance or adverse effects (such as, but not limited to excessive run-off, dust or light spillage), the permit shall be subject to revocation by the community development director.

(E) Within thirty (30) days of expiration of a temporary parking lot permit, all rock or gravel surfaces shall either be removed or covered with top soil. The site shall then be sodded or landscaped as determined acceptable by the community development director.

(1~~7~~8)-(19) Reserved.

\* \* \*

**Section 8.** That Article 316 “Design District Overlay” of the City of Dania Beach Land Development Code is amended as follows:

# ARTICLE 316.  DESIGN DISTRICT OVERLAY.

## Sec. 316-10. Created.

This section creates the Design District Overlay which shall be an overlay district supplementing, and cumulative to, the development regulations of the underlying zoning district for the area included in the Overlay. Designation of any property as part of a Design District Overlay does not change the effective land use plan designation or the underlying zoning district. These provisions are intended to supplement underlying zoning regulations in order to support the stated purpose of the overlay district, and shall control in the event of conflict.

## Sec. 316-20. Purpose and applicability.

(A) *Purpose.* The Design District Overlay is designed to apply where coordination is needed among separately developed projects to address issues such as infrastructure, environmental protection, signage, pedestrian movement, parking, access, or employment activities and to facilitate the activities of the design community and commerce activities as deemed appropriate by the City Commission. The City Commission, in its implementation of this district overlay, seeks to encourage and enhance the congregation of design-focused industry in the City of Dania Beach.

(B)Article 316 “Design District Overlay” shall apply to all properties within the Design District Overlay.

1. This article shall apply to all new development and any exterior modification~~s~~, addition~~s~~, or renovation~~s~~ to an existing building~~s~~, which ~~are~~ is valued in excess of fifty (50) percent of the value of the structure ~~of five thousand dollars ($5,000.00)~~ by the building division when calculating the valuation of the work for which the permit is sought. Interior upgrades or tenant improvements shall be exempt.
2. The City Commission or planning and zoning board may approve exceptions to this article in the form of conditions to a site plan approval upon making the following findings:

(a) There are circumstances peculiar to the site or the intended use that makes compliance with a particular requirement of this article impracticable; and

(b) The applicant has offered significant enhancements to other pertinent aspects of the site that the city commission, or planning and zoning board, determines will offset any negative impact that an exception to these standards might otherwise create.

(3) The community development director, after consultation with the CRA director, may administratively waive the application of this article for development that does not require a site plan approval, upon finding that the requested development is so minimal that a waiver will not undermine the accomplishment of the objectives of this article.

(C) *Encouraged Development Components.* In order to achieve high quality development and promote innovative design concepts and flexibility, the following components shall be encouraged within the Design District Overlay:

(1) The arrangement of uses and structures designed to encourage compatible, multi-use developments within a master-planned style environment, regardless of the existence of multiple site ownerships or separately developed lots.

(2) The provision for adequate transportation systems to serve the development including sufficient rights-of-way, street extensions, shared access, cross access, internal circulation, capacity improvements, and pedestrian circulation.

(3) The provision of coordinated landscaping, parking facilities, pedestrian amenities, and signage controls.

## Sec. 316-30. Design District Overlay location.

The Design District Overlay shall include those properties located on the north and south sides of Stirling Road including the property located on the east side of Bryan Road at the corner of Stirling Road (fronting on Bryan Road for approximately 615 linear feet) ~~east of the Bryan Road canal~~ to SW 12 Avenue, and including the commercially zoned showroom-warehouse on the north side of Stirling Road between SW 12 Avenue and Phippen Waiters Road.

## Sec. 316-40.  Parking.

(A) *On-site location of required parking spaces.* Parking spaces for all uses or structures which are provided to satisfy the schedule of off-street parking and other applicable provisions shall be located on the same lot as the principal use or structure they are intended to serve, except as provided in this section.

(B) *Off-site location of required parking spaces.* Establishment of required parking facilities on off-site properties may be permitted as follows:

(1) Two (2) or more abutting properties, or properties located within seven hundred fifty (750) feet of each other, within the Design District Overlay may enter into a cross-access agreement with each other providing for the shared use of excess parking pursuant to sec. 265-80 (off-site parking).

(C) *Number of required parking spaces*. The City Commission may authorize a different quantity of off-street parking spaces as being sufficient for uses in the overlay district, based upon an engineer’s parking study, after considering the recommendation of the community development director and the CRA director, if applicable, in accordance with Sec. 265-60. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to review by the city commission.

## Sec. 316-50.  Signage.

(A) *Generally.* Signage shall meet all the requirements of article 505, sign regulations, based on the underlying zoning district and use, except as provided in this section. In the event of conflict between this section and article 505, this section shall prevail.

(1) In the event a commercial use is designed to front both internally and on Stirling Road, article 505 may be applied to allow individual signage on both sides of the commercial building.

(B) *District Identification monument sign.* The properties within the Design District Overlay may provide one (1) shared district monument sign per street frontage, which shall identify the design district as a whole, subject to the requirements of the underlying sign regulations as modified in this section:

(1) The district identification monument sign shall be located on a property adjacent to, or within the right-of-way of Stirling Road. This does not preclude the placement of additional signage, identifying the Stirling Road property only, if additional signage would be otherwise permitted under the sign regulations of article 505.

(2) The district identification monument sign shall meet the standards identified in the CRA Redevelopment Plan and CRA Sign Guidelines.

(3) The City Commission may approve a larger monument sign than that permitted in article 505, if it determines that the additional area is necessary. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to review by the City Commission.

(C) *District Identification Banner Signs.* District identification banner signs are permitted throughout the Design District Overlay. District identification banner signs shall be placed in accordance with Sec. ~~505-140 (E)~~ 505-130(G).

## Sec. 316-60.  Special Events.

*Special Events.* The Community Development Department will support special event requests within the district that accentuate the Dania Beach business community. The Community Development Department will encourage the establishment of a re~~oc~~curring (annual or semi-annual) event to promote visitors with the district, pursuant to the temporary use and special event approval procedures identified in article 675.

## Sec. 316-70.  ~~Public~~ Display of Public Art.

Public art, as defined in sec. 725-30, is encouraged adjacent to and within public sidewalks, ~~and in~~ open spaces, and parking spaces to create identity and to celebrate the local art community in Dania Beach. Any public art shall be free of sharp edges or obstructive elements that might cause physical harm. Public art shall be permitted within the public pedestrian corridors or sidewalks upon the issuance of a building permit which will be reviewed by the public services director and approval of necessary encroachment license and maintenance agreement in a form acceptable to the city attorney. If public art is located in required parking spaces, no more than two (2) required parking spaces may be utilized.

## Sec. 316-80.  Design Criteria.

1. The purpose of the standards in this article is to promote design which is architecturally superior and consistent with the surrounding area and the design goals of the City of Dania Beach.
2. These standards are intended to promote development and redevelopment where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design elements. Such elements shall relate the design characteristics of an individual building or project to the other existing and planned structures in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
3. The standards in this article are intended to encourage building design that is compatible with the CRA Redevelopment Plan.
4. The community development director, after consultation with the CRA director, may administratively waive the application of this article for development that does not require a site plan approval, upon finding that the requested development is so minimal that a waiver will not undermine the accomplishment of the objectives of this article.
5. It is the purpose of this article to provide criteria to ensure that architecturally significant structures are encouraged to the maximum extent feasible.
6. The following appearance criteria shall apply:
	1. All structures on a site shall be designed to create a unified architectural style.
	2. All building facades shall be articulated through the use of a coherent and clear architectural design that incorporates rhythms in form and construction details. Buildings shall be designed to incorporate rhythms in form and construction details.
	3. Buildings facing a public street or interior courtyard space shall be architecturally emphasized through entrance treatment, fenestration, and building details. Buildings with more than one facade facing a public street shall provide treatment for each facade.
	4. Roofs shall provide generous overhangs on front and street sides of buildings. The roofing shall be incombustible material such as shingle, clay tile, cement tile, or metal.
	5. Roof and exterior wall surfaces, with the exception of glass areas shall be nonreflective. Opaque surfaces and reflective or mirrored type glazing at ground level visible from the sidewalk are prohibited.
	6. The use of flat steel or metal panels for the exterior walls is prohibited.
	7. The front facade and all building facades facing a street ~~The rear and sides of buildings~~ shall be finished with material that in texture and color complements the front of the building.
	8. Glass windows and doors must make up at least thirty-five (35) percent of the primary elevation of a corner site and fifteen (15) percent of the secondary elevation of a corner site, except where additional fenestration is required in the CRA form-based zoning districts. On ground stories, the minimum required glass façade area shall be measured between a height of two and one-half (2.5) feet and eight (8) feet above the abutting grade. The windows shall not be covered or opaque. Display is permitted provided there is functional cross-vision between the inside and outside of the store. Display windows should be accented with awnings or other architectural features.
	9. ~~Paints and other material with unproven durability may not be used.~~
	10. ~~Colors known to streak, fade, or generate glare may not be used as the dominant building color. These include bright colors, fluorescent colors, un-muted primary colors, and bright white.~~
	11. ~~Dominant color should consist of subdued muted colors. Brighter colors may be used for accent elements.~~
	12. ~~Roof colors should be muted and compatible with dominant colors.~~
	13. ~~Total number of colors used per development shall be limited to three.~~

~~14.~~ 9. Although variation and interest is desired, architectural detailing and coloring should be compatible or complementary to adjacent structures.

~~15.~~ 10. Canopies, if utilized, shall be restricted to a minimum clearance of fourteen (14) feet in height for areas accommodating vehicles and a maximum clearance of ten (10) feet in height for nonvehicular areas, and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.

~~16.~~ 11. Work areas, storage doors and open bays shall not open toward or otherwise be visible from ~~Stirling Road~~ arterial roadways.

~~17.~~ 12. Heating, ventilation and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the designated arterial, adjacent residential properties or intersecting streets.

~~18.~~ 13. No temporary structures shall be permitted, except those allowed in article 675, “Temporary uses” and associated signage. Office-type mobile units when used as temporary facilities shall be screened from view from Stirling Road and equipped with rigid skirting on all sides. Any towing gear shall be removed, and if not removable, shall be screened from the designated arterial.

~~19.~~ 14. Windows and doors visible from any listed arterial street shall not be obstructed by security bars or similar devices.

~~20.~~ 15. Windows and doors visible from any listed arterial street shall not be obstructed by storm or security shutters or panels, except as provided in chapter 8, sec. 8-186 of the code of ordinances (storm shutter placement).

##

## Sec. 316-90.  Landscaping, walls and fencing.

1. Commercial development must comply with article 275, “Landscaping Requirements,” provided that the street tree requirements shall be altered to require palm clusters on the ends of landscape buffers. The palm clusters shall consist of a minimum of three (3) palms with a minimum height of thirteen (13) feet.
2. The use of landscape accents, such as planters and window boxes, shall be incorporated into the overall landscape design of the building and the site.
3. Where hedges are utilized and adequate space exists, a tiered effect is required.
4. Landscaped areas shall be surrounded with a six (6)-inch raised concrete curb. Grade within areas to be landscaped shall be raised to curb-height.
5. Chain link, barbed wire and similar fencing along a designated arterial are prohibited. Where such fencing can be viewed from a designated arterial, landscaping, berming, or both shall be provided to minimize visibility from the designated arterial.
6. Perimeter walls, if utilized, shall be architecturally compatible with the principal structure.

**Sec. 316-100. Program review.**

The Design District Overlay regulations outlined in this article shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of not more that once per year, or as determined by the City Commission. The purpose of reviewing the program includes, but is not limited to, updating program incentives, recommending program or marketing changes to the jurisdiction, reviewing suggestions made by program participants, and district expansion possibilities.

**Section 9.** That Article 505 “Sign Regulations” of the City of Dania Beach Land Development Code is amended as follows:

**ARTICLE 505. SIGN REGULATIONS**

**Sec. 505-20. Definitions.**

\* \* \*

*Community facility* shall mean a building or property used for non-commercial purposes by a governing authority, including the City or Broward County, such as a school, library, civic building, community center, park or similar use.

\* \* \*

**Sec. 505-70. Signage regulations for townhouse and multi-family dwellings, and community facilities.**

\* \* \*

(C) Common area signs.

\* \* \*

(7) Monument and entry feature signs.

(a) Residential developments with at least ten (10) dwelling units are permitted one (1) monument sign with two (2) sign faces, or an entrance feature sign. Maximum permitted sign area is twenty-four (24) square feet. Maximum permitted sign height is six (6) feet, and maximum permitted letter height is twelve (12) inches.

(b) Residential developments with at least fifty (50) dwelling units are permitted one (1) monument sign with two (2) sign faces or one (1) entrance feature sign for each street entrance into the development, each not to exceed a height of eight (8) feet, a maximum sign area of thirty-six (36) square feet, and a maximum letter height of eighteen (18) inches.

(c) Community facilities are permitted one (1) monument sign with two (2) faces at each entrance, each with a maximum permitted sign area of twenty-four (24) square feet. The maximum permitted sign height is six (6) feet and the maximum permitted letter height is twelve (12) inches.

(8) Temporary signs subject to section 505-160

(9) In addition to the signage otherwise permitted by this subsection, community facilities shall be permitted to erect one (1) on-site banner sign to notify the public of upcoming community events. Such banners must be removed seven (7) days after the event.

**Sec. 505-130. Special signage regulations by location or type of use.**

\* \* \*

(G) *Design District Overlay.*  The following additional requirements shall apply to properties located within the Design District Overlay, as adopted by the City Commission pursuant to section 316-10, and shall prevail in the event of conflict with other provisions of this article. It is the intent of the City Commission that a district identification signage program shall be created to recognize, encourage and enhance the congregation of design-focused industry in the City of Dania Beach.

(1) *District identification banner signs*. District identification banner signs are permitted throughout the Design District Overlay. District identification banner signs shall be permitted on private property, and may be permitted on public property provided that the required governmental approvals are obtained. Such signage shall meet the following criteria:

(a) Placement of a district identification banner sign shall require a building permit that must be reviewed by the community development director or his/her designee, and the CRA director.

(b) All district identification banner signs shall include the name “Dania Beach” and shall display only the uniform design approved by the CRA director and community development director, as such design may be amended from time to time. The CRA director and community development director may impose additional conditions upon the posting and duration of use of district identification banner signs.

(c) The maximum sign area of district identification banner signs shall be limited to 30” by 72”. The City Commission may approve a larger district identification banner sign, if it determines that the additional sign area is necessary to legibly identify all relevant information on the district identification sign at the subject location. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to consideration by the City Commission.

\* \* \*

**Sec. 505-170. Nonconforming signs.**

(A) Signs that were lawfully erected and rendered nonconforming by Ordinance No. 2012-009 are permitted to remain and shall be properly maintained, subject to the following restrictions:

\* \* \*

(C) *Removal of legally nonconforming signage.* All signage which is legally nonconforming under this section, including cabinets, raceways, wiring, and all other sign components, shall be removed if no business, holding a current business tax receipt, has occupied the property or tenant space for a period of six (6) months or more. Upon removal of such signage, the structure where the sign was attached shall be restored.

**Section 10.** That Article 635 “Site Plans” is amended to read as follows:

**ARTICLE 635. SITE PLANS.**

## Sec. 635-30. Exclusions.

The following construction shall be exempt from site plan review:

1. Construction of, and additions to, one (1) single-family dwelling, or two-family duplex dwelling on a lot fronting an existing, paved street.

\* \* \*

**Section 11.** That Article 675 “Temporary Use and Special Event Permits” is amended to read as follows:

\* \* \*

**ARTICLE 675. TEMPORARY USE AND SPECIAL EVENT PERMITS.**

\* \* \*

**Sec. 675-20. Temporary uses authorized.**

1. All temporary uses or special events must be located on developed property with an active business tax receipt issued by the City, or upon City property as authorized in accordance with this Article, and must meet one of the following criteria:
	1. The temporary use or special event must benefit a business currently licensed and occupying a permanent place of business in the city;
	2. The temporary use or special event must benefit a not-for-profit entity or charitable organization;
	3. The temporary use or special event must be organized and operated solely for charitable purposes; or
	4. The temporary use or special event must be a private gathering.

(~~A~~B) The following temporary uses are authorized in the commercial, industrial and CRA mixed-use districts, and on lots developed for assembly and institutional uses in other zoning districts subject to approval of the parks and recreation director after staff review and recommendation, as provided in this subsection. The parks and recreation director may require city commission approval of any temporary use or special event which is normally subject to administrative approval under this subsection, if the parks and recreation director has determined that neighboring property may be impacted by the proposed event.

(1) Holiday sales of Christmas trees, pumpkins for Halloween, and other similar temporary sales of a seasonal nature, excluding fireworks and sparklers; and

(2) Events with less than fifty (50) persons in attendance, as estimated by the parks and recreation director.

(~~B~~C) In addition to a temporary use or special event that is required to be approved by the city commission under subsection (A), the following temporary uses and special events shall be approved by the City Commission after staff review and recommendation, as provided in this subsection:

(1) Events with more than fifty (50) persons in attendance, as estimated by the parks and recreation director;

(2) Events that occur over a five (5) hour period or longer;

(3) Multi-day events;

(4) Events requiring street closures;

(5) Any event that requires an outside agency to review the proposed event;

(6) Any event involving the sales or use of fireworks or sparklers;

(7) Temporary assembly uses such as commercial carnivals, fairs, exhibitions, craft shows, concerts, promotional activities or similar events;

(8) Garage sales located on property within a nonresidential zoning district pursuant to section 21-42; and

(9) Other uses of a similar and temporary nature where the period of use will not extend beyond sixty (60) days during any calendar year.

The city commission may, in its initial resolution approving a temporary use, authorize the subsequent administrative approval by the parks and recreation director of a future event or use that re~~oc~~curs on a regular basis (e.g., approved events or uses recurring annually, or approved events or uses recurring seasonally but no more than four (4) times per calendar year) at specific locations~~,~~. Recurring events subject to administrative approval shall be consistent with all terms and conditions provided in the original resolution providing for temporary use approval.

(~~C~~D) This section does not to apply to local shows or amusements held in theaters, auditoriums or permanent buildings designed and permitted for assembly uses, or any amusement park established in the city on a permanent basis.

~~(D)~~ (E) The following temporary uses are permitted without further review, in connection with development projects which are subject to city commission approval, unless the use was previously reviewed during the site plan approval process, in which case administrative approval is authorized.

(1) Offices for sale of real estate or for persons engaged in the development, within temporary buildings or office trailers which are approved consistent with all building permit submittal requirements for temporary structures.

(2) Construction materials storage and processing.

(3) Equipment storage.

(4) Model homes or sample apartments.

(5) Activities of religious, institutional, or governmental entity under construction, reconstruction, renovation or enlargement.

~~(E)~~ (F) Garage (yard) sales are permitted subject to the limitation on frequency and license requirement set forth in chapter 21, article 3 of the Code of Ordinances, and the signage allowance in section 505-170(I). Garages sales located on property within a non-residential zoning district shall be subject to temporary use approval by the city commission in accordance with the procedure provided in this section.

 **Section 12.** All ordinances of the City of Dania Beach in conflict with any provisions of this ordinance are repealed to the extent of such conflict.

**Section 13.** That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 14.** That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dania Beach, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section,” “Article” or other appropriate word.

**Section 15.** That this Ordinance shall take effect immediately at the time of its passage and adoption.

**PASSED** on first reading on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

**PASSED AND ADOPTED** on second reading on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

ATTEST:

LOUISE STILSON, CMC WALTER B. DUKE III

CITY CLERK MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO

CITY ATTORNEY