




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

DATE: August 13, 2013

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director 

FROM: Corinne Lajoie, AICP, Principal Planner, LEED GA

SUBJECT: **TX-34-13:** The applicant, City of Dania Beach, is requesting several zoning text amendments to the City's Unified Land Development Code, known as OneCode. (Second Reading)

REQUEST

TEXT AMENDMENT

1. To add a section reference to fortune tellers, palmists, clairvoyants or astrologist in the permitted use tables; Article 110 & 302.
2. To relocate fence requirements for vacant properties by creating a new section; Sec. 235-40.
3. To allow a single family home front setback to be between 15 – 25 feet; Sec. 303-90.
4. To change the pervious area requirement for single family homes in the Neighborhood Residential zoning district from 60% to 37%; Sec. 303-90.
5. To allow a garage to be located on a primary or secondary street if no alley exist; Sec. 303-90.
6. To amend the requirement for construction of on-street parking, sidewalks and street furniture; Sec. 309-10.
7. To allow construction of a new duplex after Planning and Zoning Board approval. This change is at the request of the City Commission.

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. **FORTUNE TELLERS, PALMISTS, CLAIRVOYANTS OR ASTROLOGIST.** The proposes text amendment will add a section reference to the permitted use tables, which is already in the code, requiring City Commission approval of a business tax

receipt for a fortunetelling, palmistry, clairvoyance or astrology business. This change will help insure staff does not erroneously approve a use before being heard by the City Commission.

2. **FENCE REQUIREMENTS FOR VACANT PROPERTIES.** This code change moves the existing language to create its own section of the code. This change is at the request of Code Compliance for ease of reference.
3. **SINGLE FAMILY HOME FRONT SETBACK.** This code change allows new single family homes constructed in the Neighborhood Residential zoning district to be between 15 – 25 feet if the 15 foot Build-to-Line does not apply. Currently the code required 15 feet or 25 feet, nothing in between. This change is at the request of the development community.
4. **PERVIOUS AREA.** This amendment will reduce the pervious area requirement from 60 percent to 37 percent in the Neighborhood Residential zoning district. This requirement is consistent with all other residential zoning districts in the city. This change is at the request of the development community.
5. **GARAGE LOCATION.** This text amendment will allow the construction of a garage to face a primary or secondary street if there is no alley for properties located in the Neighborhood Residential zoning district. Currently garages may only be oriented toward alleys, prohibiting the construction of a garage if no alley exists. This change is at the request of the development community.
6. **CONSTRUCTION OF ON-STREET PARKING, SIDEWALKS AND STREET FURNITURE.** This change will require construction of on-street parking, sidewalks and street furniture for residential properties with at least 200 feet of street frontage or four (4) platted lots, whichever is less. Currently the code requires construction of on-street parking for all construction. However, if a new home is being constructed on a 50 foot wide lot, only one on-street parking space and one landscape island would be constructed, resulting in an awkward street layout for the remainder of the block. This change is at the request of the development community.

CITY COMMISSION PREVIOUS ACTION

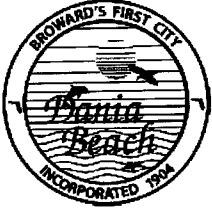
On July 23, 2013, the City Commission approved the proposed text amendment on first reading with some changes.

PLANNING AND ZONING BOARD RECOMMENDATION

On July 17, 2013, the Planning and Zoning Board heard this item. The Board's recommendation will be presented at the 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

Date Rec'd: 6/20/2013

Petition No.: TX-34-13

Other: Text Amendment (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) _____

Address of Applicant: 100 W. Dania Beach Blvd

Business Telephone: 954-6805 Home: X3704 Fax: _____

E-mail address: cchurch@ci.dania-beach.fl.us

Name of Property Owner: _____

Address of Property Owner: _____

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Various changes to Code of Ord. including LDR
 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 Community Development (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 20 DAY OF June, 2013

By:

Donna H. Kirby
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Donna H. Kirby
(Signature of Notary Public - State of FL)



Personally known 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 HEARING ON LAND DEVELOPMENT CODE AMENDMENTS CITY OF DANIA BEACH, FLORIDA

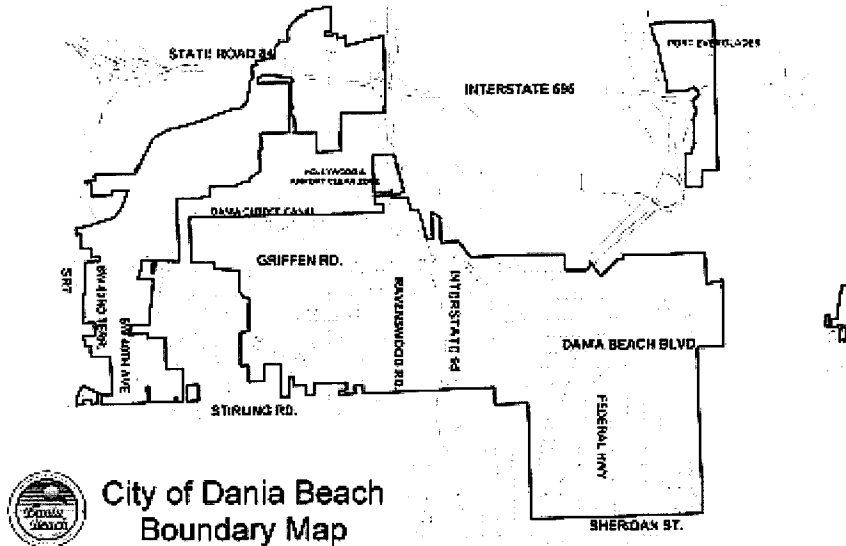
A Public Hearing will be conducted by the Dania Beach City Commission on the following ordinance to amend the text of the Dania Beach Land Development Code on the following date:

CITY COMMISSION MEETING

DATE: Tuesday, August 13, 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-34-13** - The applicant, City of Dania Beach is requesting several zoning text amends the city's Unified Land Development Code, known as OneCode. (Second Reading)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE LAND DEVELOPMENT CODE BY AMENDING ARTICLE 110 "USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND PROVIDING FOR USE REGULATIONS; AMENDING ARTICLE 235 "WALLS, FENCES AND HEDGES" CONCERNING FENCE REQUIREMENTS; AMENDING ARTICLE 302 "DETAILED USE REGULATIONS" REGARDING USE REGULATIONS WITHIN MIXED-USE DISTRICTS; AMENDING ARTICLE 303 "DISTRICT DEVELOPMENT STANDARDS" REGARDING DEVELOPMENT STANDARDS FOR MIXED-USE ZONING DISTRICTS; AMENDING ARTICLE 309 "ADDITIONAL DEVELOPMENT STANDARDS" REGARDING DEVELOPMENT STANDARDS FOR MIXED-USE ZONING DISTRICTS; AMENDING ARTICLE 635 "SITE PLANS" REGARDING PROCEDURES FOR SITE PLAN REVIEW; 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.



A copy of the proposed Text Amendment is 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
Friday, August 2, 2013