



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

DATE: April 28, 2015

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *[Signature]*

FROM: Corinne Lajoie, AICP, LEED G.A., Principal Planner *[Signature]*

SUBJECT: **TX-31-15:** 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. Allow 'fast food' use in more zoning districts, Section 110-20 & 302-10
2. Allow 'marine-related educational facilities' in more zoning districts, Section 115-40.
3. Reduce parking requirements for restaurant uses, Section 265-50.
4. Clarify where 'community residential homes' are permitted, Section 302-10
5. Allow chain link fences along the side and rear property lines in the CRA; Section 309-40.
6. Add construction surveillance requirement for large-scale site plans in the CRA, Section 309-80.
7. Eliminate the master signage plan requirement and references, Section 505-200 and various sections.
8. Amend definition of "freestanding sign", Section 505-20
9. Clarify cabinet sign requirements, Section 505-40(O).
10. Correct section references, Section 505-90(D) and 505-130(E).
11. Amend glass window requirement in the Principal Arterial Commercial Design Standards, Section 510-30(H).
12. To expand the administrative variance provisions, Section 620-40(A).
13. To delete existing ex-parte communications and adding new language to quasi-judicial public hearing procedures; Section 2-1.3 and Section 680-10.

On September 14, 2010, the City Commission approved the City's new Land Development Code (LDC) 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. FAST FOOD

Staff has created two (2) new categories of fast food use; 1) in an existing building, 2) in a new multi-tenant or attached building (not free standing). According to the LDC definition of fast food restaurants such as Starbucks, Panera Breads and Subway are considered 'fast food'. Fast food and drive through are considered different uses. The newly created categories will allow 'fast food' in many more locations that is currently permitted.

2. MARINE-RELATED EDUCATIONAL FACILITIES

Currently the LDC does not allow marine-related education facilities in the Industrial, Research, Office, Marine (IROM), Industrial, Research, Office, Marine – Airport Approach (IROM-AA), or Marina Mile zoning districts. This amendment will allow marine-related educational facilities as a permitted use in these districts.

3. RESTAURANT PARKING

This amendment will reduce the required parking for restaurants uses and make calculating the required parking easier. For example, today parking is based on customer service area. If the floor plan changes, so can the parking requirements. The amendment will change the parking requirement to be based on total square footage. In addition, staff anticipates the amendment will reduce required parking by thirty (30) percent.

The Planning and Zoning Board had concerns that the proposal would eliminate too much parking and continued this particular amendment for additional staff analysis. Staff has eliminated this provision from the text amendment and will bring it forward with a future amendment.

4. COMMUNITY RESIDENTIAL HOMES

This amendment separately identifies type 1 (up to 6 residents) community residential home and type 2 (7-14 residents) community residential homes. Type 1 and type 2 community residential home categories are created and defined by the State of Florida. This separation allows for a more clear code and easier application for staff and the public.

5. CHAIN LINK FENCES

This amendment will continue to prohibit chain link fences in the CRA to be located in the front yards but allow vinyl coated chain link fences to be located in the side and rear yards.

6. CONSTRUCTION SURVEILLANCE

This is new language is being introduced to the LDC at the City Commission's request. This amendment will require large scale site plans located in the CRA to install cameras to provide live surveillance video to the public accessible through the City's web site during construction.

The Planning and Zoning Board rejected this particular amendment sighting concerns over property rights, security and added costs. Staff has eliminated this provision from the text amendment and will bring it forward with a future amendment.

7. MASTER SIGNAGE PROGRAM

Currently the LDC requires establishment of a master signage program for all multi-tenant commercial buildings (new and existing) to be established prior to any sign permit issuance or site plan approval. The creation, establishment, and enforcement of master signage programs is cumbersome and staff intense. Elimination of this requirement will stream line the issuance of signage permits and the review of new site plans. All sign instillation will continue to be regulated by the requirements identified in the LDC.

8. FREESTANDING SIGN

This amendment will eliminate a confusing definition and simply refer to monument signs for definition.

9. CABINET SIGN

This amendment will revise the language to be consistent with cabinet restrictions and language identified for monument signs.

10. CORRECT SECTION REFERENCES

These section references are relating to marquee and projecting signs. The current section references are incorrect. The change will identify the correct section references.

11. GLASS WINDOW REQUIREMENT

The current language is only applicable to corner properties. The intent was for all commercial properties located on the principal arterial roadways to meet the glass window requirement.

12. ADMINISTRATIVE VARIANCES

This amendment will add four (4) new code provisions that may be waived through the administrative variance process. These provisions include the following:

- Reduction of existing driveway setbacks;
- Reduction of pool deck and patio setbacks;
- Reduction of screen enclosure setbacks; and
- Increase maximum curb cut for single family driveways.

The amendment includes a requirement that each of the new provisions (driveway, deck/patio, and screen enclosure) must be constructed of pervious material or engineered to retain run-off on the property. The administrative variance procedure required mailed notification of property owners within 300 feet of the subject property as well as posting a sign on the subject property. No public hearing is required. If no objections are received, the Community Development Director can approve the administrative variance.

13. QUASI-JUDICIAL

The City Attorney's Office is proposing deletion of the existing ex-parte communication regulations and added new language entitled quasi-judicial public hearing procedures.

CITY COMMISSION PREVIOUS ACTION

On April 14, 2015 the City Commission heard this item on first reading.

PLANNING AND ZONING BOARD

On March 18, 2015 the Planning and Zoning Board heard this item and recommended approval of the proposed amendments.