



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

DATE: October 27, 2015
TO: Robert Baldwin, City Manager
VIA: Marc LaFerrier, AICP, Director
FROM: Corinne Lajoie, AICP, Planning and Zoning Manager, LEED G.A. *CL*
SUBJECT: **TX-95-15:** 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. To add winery as a permitted use; Section 110-20 and 115-40.
2. To add bail bond and pawn uses as a conditional use; Section 110-20, 110-70 and 302-10. (removed from ordinance for second reading)
3. To expand uses in Industrial General zoning district and amend associated conditions of use; Section 115-40 and 115-50.
4. To identify location of development regulations for Marine zoning district; Section 205-10.
5. To clarify requirements for outdoor sports courts; Section 215-50.
6. To require Public Services Department to review alternative driveway material; Section 265-100.
7. To allow Community Development Director to waive dumpster requirements; Section 290-30.
8. To add section reference to existing applicable regulations for Community Residential Home and Residential Care Facility; Section 302-10.
9. To add a provision to site plan modifications or deviations and to add an exclusion from site plan review; Section 635-30.
10. To clarify regulations and reorganize temporary use and special events; Section 675.
11. To reduce mitigation fees for removal of invasive trees; Section 825-100.
12. To allow specific clearing of a site prior to site plan approval; Section 825-70.

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 LDC are proposed:

1. WINERY

This amendment is being added to allow winery use in the same manner as breweries and craft distilleries. Wineries are being proposed as a Special Exception use in the CRA form based districts, with the exception of the City Center zoning district where it is proposed as a permitted use without a Special Exception. The use is also proposed as permitted in all industrial zoning districts except Industrial General and Port Everglades Development District. This request is being made at the request of a member of the public.

2. BAIL BOND AND PAWN SHOPS

The amendments related to bail bond and pawn shops have removed from this proposed ordinance for second reading.

3. INDUSTRIAL GENERAL

This amendment expands the uses permitted in the Industrial General zoning district. Many of these uses are being added as a conditional use or as a Special Exception use. This request is being made at the request of a member of the public.

4. MARINE ZONING

This proposed change will identify the Marine zoning district in the tabular summary of site development standards, as all other industrial districts are with a section reference directing where to find the development regulations. Without this cross reference it is difficult to find the development regulations for the Marine zoning district.

5. OUTDOOR SPORTS COURT

This change adds a comma and a couple words to clarify the intent of the regulation, which prohibits outdoor sports courts in residential front yard. Adoption of this change will make it easier for staff to administer.

6. DRIVEWAY

This new language requires Public Services Department review of alternative driveway material (not concrete or asphalt). This additional review will ensure that the proposed material is strong enough to support vehicle weight and movement.

7. DUMPSTER

The proposed changes will eliminate unnecessary language and allows the Community Development Director to waive the dumpster requirement if it is determined that providing a dumpster would be infeasible as it relates to the site.

8. COMMUNITY RESIDENTIAL HOME/RESIDENTIAL CARE FACILITY

This change adds a section reference to other applicable provisions of the LDC that apply to Community Residential Homes and Residential Care Facilities. Adoption of this change will make it easier for staff to administer.

9. SITE PLAN MODIFICATIONS AND EXCLUSIONS

The proposed amendment exempts development of 1,000 square feet or five percent (5%) of the cumulative existing building square footage, whichever is greater, from requiring site plan review. This request is being made at the request of a member of the public.

The Planning and Zoning Board requested site plan modifications to be based on a percentage of land area instead of building area. Staff has modified the ordinance to reflect this change.

An addition code provision was added which allows development permits for site preparation of property to be issued without an approved site plan with the following conditions:

- Greater than 50 acres;
- Is a designated brownfield;
- Located in the RAC
- Subterranean conditions that are unsuitable for standard construction;
- Must provide a hold harmless;
- All county permits must first be obtained;
- Must provide a wildlife study; and
- Must obtain tree removal permit, if needed.

10. SPECIAL EVENTS

The changes proposed are being made in an effort to clarify and simplify the Temporary Use and Special Event regulations. Adoption of this change will make it easier for staff to administer.

11. MITIGATION OF EXOTICS

This amendment is being made to reduce fees for removal of exotic trees and to simplify the process for obtaining tree removal permits. Adoption of this change will make it easier for staff to administer.

12. CLEARING

This text change allows specific clearing of a site prior to site plan approval for parcels of land greater than fifty (50) acres with a Brownfield designation which is locating in the Regional Activity Center (RAC) and that contain sub-terrain conditions unsuitable for standard construction methods that would therefore unduly extend the development process, as evidenced by a sealed geo-technical report.

Any permit or license application for specific clearing of the site prior to site plan approval shall include a tree survey, tree assessment of specimen trees, geo-technical report, tree mitigation calculations, value of specimen trees and technical report of tree preservation efforts.

Additionally, an agreement by resolution of the City Commission at a public hearing must be approved identifying value of a security bond for the total value of all trees on the site and identifying all permits required from the city and all applicable agencies. This request is being made at the request of a member of the public.

CITY COMMISSION PREVIOUS ACTION

On October 13, 2015 the City Commission approved this item on first reading with the exception of changes to the bail bond and pawn uses.

PLANNING AND ZONING BOARD RECOMMENDATION

On September 16, 2015 the Planning and Zoning Board recommended approval of the proposed text amendments with the conditions that the site plan modifications be based on a percentage of land area instead of building area.

STAFF RECOMMENDATION

Approve the text amendment ordinance.