

ORDINANCE NO. 2016-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, OF THE “LAND DEVELOPMENT CODE”, OF THE CITY’S CODE OF ORDINANCES BY AMENDING ARTICLE 105, “USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS,” CONCERNING COMMUNITY RESIDENTIAL HOMES AND RESIDENTIAL CARE FACILITIES; AMENDING ARTICLE 110, “USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS,” CONCERNING CERTAIN PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES AND USE REQUIREMENTS; AMENDING ARTICLE 115, “INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE,” TO AMEND THE SCHEDULE OF PERMITTED USES; AMENDING ARTICLE 225, “INTERSECTION VISIBILITY STANDARDS,” CONCERNING OBSTRUCTIONS; AMENDING ARTICLE 265, “OFF-STREET PARKING REQUIREMENTS,” CONCERNING SINGLE FAMILY AND DUPLEX DRIVEWAY REQUIREMENTS; AMENDING ARTICLE 302, “DETAILED USE REGULATIONS,” CONCERNING PERMITTED AND PROHIBITED USES IN CERTAIN SPECIAL DISTRICTS; AMENDING ARTICLE 303, “DISTRICT DEVELOPMENT STANDARDS,” CONCERNING DEVELOPMENT STANDARDS IN THE CITY CENTER DISTRICT AND AMEND THE HEIGHTS ZONES MAP; AMENDING ARTICLE 305, “INCENTIVES,” TO RELOCATE INCENTIVES FOR PUBLIC PARKS; AMENDING ARTICLE 511, “INDUSTRIAL DESIGN STANDARDS,” CONCERNING THE APPEARANCE OF CERTAIN GLASS WINDOWS AND DOORS; AMENDING ARTICLE 605, “GENERAL APPLICATION REQUIREMENTS”; AMENDING ARTICLE 640 “PLATS,” TO REVISE THE PLAT APPROVAL PROCESS; AMENDING ARTICLE 720 “PLANNING AND ZONING BOARD,” TO REVISE THE BOARD’S DUTIES; AMENDING ARTICLE 805, “CONCURRENCY DETERMINATIONS,” CONCERNING RECREATION AND OPEN SPACE CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND 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, City staff recommends approval of the proposed changes; 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA ¹:

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 105 “Use Regulations for Residential and Open Space Zoning Districts” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 105. - USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS

* * *

Sec. 105-170. - Community residential homes and residential care facilities.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

* * *

(B)A "community residential home, type 2", as defined in article 725 (see definition of special residential facility), having more than six (6) residents is permitted in the CC, EDBB-MU, SFED-MU, GTWY-MU, ~~NBHD-RES~~, RM, RM-1, RM-2 and PRD-1 zoning districts subject to the following, and to the specific regulations of the applicable zoning district:

Section 3. That Article 110 “Use Regulations for Commercial and Mixed-Use Districts” of the City of Dania Beach Land Development Code is amended to read as follows:

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

* * *

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

Included in the table below are permitted, special exception and prohibited uses within commercial districts, the residential office (RO) district, the Marine district, and generalized permitted and special exception uses within the mixed-use CRA form-based districts. Permitted and special exception uses shown in this table for the CRA form-based districts are not allowed in all areas of a district; therefore, the more detailed regulations of article 302 must be consulted to determine whether a particular use is permitted in any given location. Article 302 shall take precedence over this table.

	INDUSTRIAL	MIXED-USE DISTRICTS					COMMERCIAL ZONING DISTRICTS				
			CRA FORM-BASED DISTRICTS								
Legend P - Permitted P(#) - Permitted subject to numbered footnote A - Permitted accessory use only SE - Permitted special exception use only	Marine	RO (see sec 110-180)	CC	EDBB-MU	SFED-MU	GTWY-MU	NBHD-MU	C-1	C-2	C-3	C-4

NP	- Not permitted											
USES												
* * *												
<u>Bail Bond [subject to section 110-310]</u>		NP	NP	P	P	NP						
* * *												

* * *

Sec. 110-50. - Proximity of alcoholic beverage establishments to other establishments and uses.

- (A) [Applicability.] The distance separation requirements of this section shall not apply to:
- (1) The sale of beer or wine or both for consumption off-premises; and

* * *

Sec. 110-310. Bail Bonds.

Bail bond use shall:

- (A) Be separated from any other bail bond use_ existing or approved, by two thousand five hundred (2,500) feet, measured from the proposed establishment to the existing establishment;
- (B) Not be located on property fronting Federal Highway; and
- (C) Be located a minimum of five hundred (500) feet from any property zoned for single family residential use, measured from the proposed establishment to the property line of the residential use or zoning district boundary.

All distance separations shall be measured from business location.

* * *

Section 4. That Article 115 “Industrial Districts: Permitted, Prohibited, 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 section 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 section 115-50.						
NP	-	not permitted						
* * *								
GENERAL BUSINESS USES								
* * *								
<u>Bail Bond [subject to section 110-310]</u>	P	P	P	P	NP	P	NP	P

Legend								

Section 5. That Article 225 “Intersection Visibility Standards” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 225. - INTERSECTION VISIBILITY STANDARDS

Sec. 225-10. - Intersection vision.

(D) *Exceptions.* The following obstructions are permitted within the sight distance triangle.

- (1) Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between thirty (30) inches and eight (8) feet above grade. Trees must be located so as not to create a traffic hazard.
- (2) Fire hydrants, public utility poles, street markers and traffic control devices.
- (3) Other obstruction materials may be approved subject to maintaining the required sight visibility as approved by the City Engineer.

Section 6. That Article 265 “Off-Street Parking Requirements” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 265. - OFF-STREET PARKING REQUIREMENTS

Sec. 265-100. Design standards for residential parking spaces utilizing individual driveways or back-out parking.

(E) Residential driveways for single family and duplex may be composed of gravel (peat rock).

* * *

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

ARTICLE 302. - DETAILED USE REGULATIONS

* * *

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

Legend: P = Permitted SE = Special Exception use (#) = Permitted subject to the restriction in section 302-20 having the same number that is within the parentheses		Districts							
<div style="border: 1px solid black; padding: 2px; display: inline-block;">NP</div> - Not permitted	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				
Abbreviations: EDBB = East Dania Beach Boulevard SFED = South Federal Highway									
RESIDENTIAL									
* * *									
Community residential home - type 2; 7—14 residents (see Sec. 725-30 for definition)	(3)	NP	(3)	(3)	(3)	(3)	NP	NP	
* * *									
RESTRICTED COMMERCIAL									
* * *									
<u>Bail Bonds [subject to section 110-310]</u>	P	NP	NP	NP	NP	NP	NP	NP	

Legend: P = Permitted SE = Special Exception use (#) = Permitted subject to the restriction in section 302-20 having the same number that is within the parentheses		Districts							
			EDBB-MU		SFED-MU				
NP	- Not permitted	City Center	<u>Principal Street Frontage</u>				GTWY-MU	NNBHD-MU	NBHD-RES
Abbreviations: EDBB = East Dania Beach Boulevard SFED = South Federal Highway			EDBB	Other streets	S. Fed. Hwy Sheridan St.	Other Streets			
* * *									

* * *

Section 8. That Article 303 “District Development Standards” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 303. - DISTRICT DEVELOPMENT STANDARDS

* * *

Sec. 303-40. - City Center (CC) District.

* * *

(E)*City center core.* Located between NE and NW 1st Avenues and between SE/SW 1st and NE/NW 1st Streets (see cross-hatching on map). The core is the planned retail, government and downtown of Dania Beach. Mixed-use buildings with ground-floor retail, ~~and~~ entertainment, ~~and/or~~ office uses are required in the core.

* * *

(Q) *Height zones map, Figure 303-10.*

* * *

**Figure 303-10 Maximum Permitted
Height Map**

* * *

Section 9. That Article 305 “Incentives” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 305. - INCENTIVES

* * *

Sec. 305-20. - Schedule of incentives.

* * *

~~(A)In the City Center District and the Gateway Mixed-Use District, a development may be eligible for a density and height bonus not to exceed a maximum of two (2) stories and thirty (30) du/ac subject to the maximum density and height limitations established under the applicable zoning district. The public park incentive fee shall be calculated pursuant to section 305-70(b), which shall be applied to the city's park fund for park land acquisition or park improvements. The full public park incentive fee shall be paid in order to exercise any density or height bonus or combination thereof, under this section. The full public park incentive fee shall be paid regardless of whether the use of the density or height bonus is limited by the maximum density or height established under the applicable zoning district or the applicant chooses not to exercise portions of the height or density bonuses. Eligibility for a density and height bonus under this section shall require development 6 story limit consistent with SFED-MU to south. five (25) dwelling units.~~

~~B)The public park incentive fee shall be equal in value to fifty cents (\$0.50) per square foot of estimated residential gross floor area.~~

~~(C)For purposes of this section, residential gross floor area shall be defined as the sum of the habitable horizontal area of all residential floors of all stories of a residential building or structure under a roof, and including, interior amenity areas, clubhouses, lobby areas however excluding private garages, maintenance areas, utility areas, operational areas, storage closets, electrical and mechanical facilities, balconies, stairwells, elevators, basements and subbasements, covered parking, loading areas, and parking structures.~~

~~(D)The contributions referenced in this section are calculated in 2014 dollars and shall be adjusted by the Consumer Price Index on an annual basis.~~

~~(E)Payment of the public park incentive fees shall be made prior to issuance of a building permit.~~

Height limited adjacent to
neighborhood south of
Stirling Road.

* * *

Sec. 305-70. – Incentives for public parks.

(A) In the City Center District and the Gateway Mixed-Use District, a development may be eligible for a density and height bonus not to exceed a maximum of two (2) stories and thirty (30) du/ac subject to the maximum density and height limitations established under the applicable zoning district. The public park incentive fee shall be calculated pursuant to section 305-70(B), which shall be applied to the city's park fund for park land acquisition or park improvements. The full public park incentive fee shall be paid in order to exercise any density or height bonus or combination thereof, under this section. The full public park incentive fee shall be paid regardless of whether the use of the density or height bonus is limited by the maximum density or height established under the applicable zoning district or the applicant chooses not to exercise portions of the height or density bonuses. Eligibility for a density and height bonus under this section shall require development containing a minimum of twenty-five (25) dwelling units.

(B) The public park incentive fee shall be equal in value to fifty cents (\$0.50) per square foot of estimated residential gross floor area.

(C) For purposes of this section, residential gross floor area shall be defined as the sum of the habitable horizontal area of all residential floors of all stories of a residential building or structure under a roof, and including, interior amenity areas, clubhouses, lobby areas however excluding private garages, maintenance areas, utility areas, operational areas, storage closets, electrical and mechanical facilities, balconies, stairwells, elevators, basements and subbasements, covered parking, loading areas, and parking structures.

(D) The contributions referenced in this section are calculated in 2014 dollars and shall be adjusted by the Consumer Price Index on an annual basis.

(E) Payment of the public park incentive fees shall be made prior to issuance of a building permit.

* * *

Section 9. That Article 511 “Industrial Design Standards” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 511. - INDUSTRIAL DESIGN STANDARDS

* * *

Sec. 511-30. - Appearance.

* * *

(I) Glass windows and doors must make up at least twenty-five (25) percent of the primary elevation ~~of a corner site~~ and ten (10) percent of the secondary elevation ~~of a corner site~~. 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.

* * *

Section 10. That Article 605 “General Application Requirements” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 605. - GENERAL APPLICATION REQUIREMENTS

* * *

Sec. 605-30. - Application submittal requirements.

The community development director shall establish standardized application submittal requirements for each type of development application, which shall at a minimum include the following.

* * *

(K) A traffic impact study is required to supplement a development application that, if approved, would generate in excess of ~~twenty-five (25)~~ fifty (50) gross peak hour trips based on applicable trip generation rate(s) in the Institute of Transportation Engineers' Trip Generation manual, most recent edition. The traffic impact study shall be prepared using the roadway level of service standards and trip generation rates. A traffic impact study shall be prepared in accordance with methods outlined in Transportation Impact Analysis for Site Development: An ITE Recommended Practice (RP-020D) published by the Institute of Transportation Engineers in 2010. A memorandum of agreement summarizing the study's proposed project-specific methodology, including any deviations from guidelines contained in the Recommended Practice, must be approved in writing by the director prior to preparation of the study. Additional information may be required by the director if deemed necessary for review of the application's traffic impacts. The memorandum of agreement and the traffic impact study must be prepared by a professional engineer (PE) registered in the State of Florida, a Professional Transportation Planner (PTP) certified by the Institute of Transportation Engineers (ITE), or a planner certified by the American Institute of Certified Planners (AICP).

* * *

Section 11. That Article 640 “Plats” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 640. - PLATS

* * *

Sec. 640-40. - Plat processing.

(A) Any person seeking plat approval must submit the appropriate application, copies, and fee to the community development department.

(B) The community development director shall coordinate staff review of the plat, and issuance of review findings to the applicant. When the community development director determines that the plat application satisfies all requirements of this article, the director shall schedule the plat for the next available ~~planning and zoning board~~ city commission meeting.

(C) Public notice shall be made in accordance with article 610.

~~(D) Plats shall be reviewed by the planning and zoning board for conformity with this article. The planning and zoning board shall make a recommendation to the city commission, which~~
The city commission shall review the plat for final disposition and approval of street names for all new streets within the plat.

(E) Plat applications are matters that are quasi-judicial in nature as defined by section 2-1.3, Quasi-judicial proceedings. All matters which are defined as quasi-judicial in nature shall utilize the quasi-judicial hearing procedures set forth in the code. The petitioner shall bear the burden of providing competent substantial evidence that the plat should be granted.

(F) Approval to be granted via resolution.

* * *

Section 12. That Article 720 “Planning and Zoning Board” of the City of Dania Beach Land Development Code is amended to read as follows:

* * *

ARTICLE 720. - PLANNING AND ZONING BOARD

* * *

Sec. 720-20. - Planning and zoning board general duties; authority.

The duties of the city planning and zoning board shall be as follows:

* * *

~~(C) To investigate and approve or disapprove all new plats to be presented to the city commission for approval;~~

- (C) To approve small-scale site plans, as defined in section 635-20, and as provided in section 635-70;
- (D) To grant variances and special exceptions associated with small-scale site plans;
- (E) To serve as the local planning agency of the City of Dania Beach, Florida.
- (F) To act in an advisory capacity regarding waivers of distance requirements for establishments licensed to serve liquor on-premises.
- (G) To perform such other duties as may from time to time be assigned to such board by the city commission.

* * *

Section 13. That Article 805 “Concurrency Determinations” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 805. - CONCURRENCY DETERMINATIONS

* * *

Sec. 805-110. - Recreation and open space level of service standard, generation rates, and impact mitigation.

* * *

~~(E) *Dedication or payment of recreation and open space impact fee or dedication.* Prior to issuance of a building permit for a residential unit, the owner of the property to be developed shall dedicate land to the city pay to the city a recreation and open space impact fee as provided for in Article 810 of this Part 8, and as approved by the City Commission by separate resolution, to be used for parks, passive or active open space or recreational purposes and to meet the needs created by their development and use of the land. The amount of land required to be dedicated is the acreage of demand that will be generated by the development as determined in [subsection] (D), above.~~

(1) ~~Where land dedication payment of the city’s recreation and open space impact fee is determined by the city to be not feasible or appropriate, the developer shall, in lieu of dedication, pay to the city a recreation and open space impact fee as provided for in article 810 of this part 8 payment, dedicate land. The amount of land required to be dedicated is the acreage of demand that will be generated by the development in subsection (D) above.~~

(2) If the development subject to a building permit has previously dedicated land under this section, or paid a fee in lieu of dedication under a previous version of this section, then the recreation and open space impact fee as provided in article 810 of this part 8 otherwise due at building permit shall be reduced by the amount previously paid and attributable to the development subject to the building permit.

(3) In any event, the maximum total percentage of any plat which shall be required for dedication for public parks, open space or recreational purposes shall be as follows:

(a) *Single-family.* Six (6) percent.

(b) *Townhouse*. Twelve (12) percent.

(c) *Multifamily*. Twenty (20) percent.

~~(4) Where more than six (6) percent of any residential development must be dedicated pursuant to the formula provided in this section, such additional requirements over and above said six (6) percent may be exempted by the city commission by way of credits allowed for private parks, open space or recreational purposes, provided that such land is to be privately owned and maintained by the future residents of the platted area, such ownership and maintenance to be secured by the appropriate documents in form acceptable to the city attorney and the standards of subsection (F), below, are met.~~

~~(F) *Private open space credited toward the park and open space requirement*. The following conditions apply to private open space credited toward the public park requirement.~~

~~(1) Yards, court areas, setbacks and other specific, defined open areas required to be maintained by the appropriate zoning or building regulations shall not be included in the computation of such private open space; provided, however, that the foregoing is not meant to imply that because a certain percentage of open space is required by any such regulations, the total amount of such required open space is precluded from being considered in the computation of private open space, but rather only specifically required open areas such as yards, front, rear and side setback areas and other such specific areas are to be excluded; and~~

~~(2) That the private ownership and maintenance of the open space is adequately provided for by written agreements and documents acceptable to the city attorney; and determined based upon maximum density permitted on the property under the land use and applicable zoning requirements; such dedication or payment shall be completed before the issuance of building permits shall be authorized by the city; and~~

~~(3) That the use of such private open space is restricted to park, open space and recreational purposes by recorded covenants which shall run with the land in favor of the future owners of property within the tract and which cannot be released or amended without the consent of the city commission after public hearing; and~~

~~(4) That the proposed private open space is reasonably adaptable for use for park, open space and recreational purposes, taking into consideration such factors as size, shape, topography, geology access and location of the private open space land; and~~

~~(5) That the facilities proposed for the park, open space and recreational use are in substantial accordance with the recreational needs of the future residents of the plat as determined by the city commission, the recommendation of the planning and zoning board and the appropriate city departments; and~~

~~(6) That the percentage of credit to be given for golf courses and passive and active lakes and waterways shall be set at a minimum of twenty (20) percent to a maximum of sixty (60) percent by the city commission, based on their determination of the extent of which such items meet the recreational, park and open space needs of the future residents of the proposed plat, after a recommendation from the planning and zoning board and the appropriate city departments.~~

~~(EG)~~ *Deferral of land dedication pending submission of final site plan.* Any approvals granted for a development that is required to provide payment of recreational and open space impact fee or to dedicate land pursuant to this section shall be understood to be expressly conditional upon meeting the dedication requirements of this article for park, open space and recreational land.

* * *

Section 14. 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 15. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

Section 16. That this Ordinance shall be codified in accordance with the foregoing. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Dania Beach Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 17. That this Ordinance shall take full effect immediately upon its passage and adoption.

PASSED on first reading on March 8, 2016.

PASSED AND ADOPTED on second reading on _____, 2016.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

MARCO A. SALVINO, SR.
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY