

ORDINANCE NO. 2016-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, THE “LAND DEVELOPMENT CODE”, OF THE CITY’S CODE OF ORDINANCES BY AMENDING ARTICLE 110, “USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS,” CONCERNING CERTAIN PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES AND USE REQUIREMENTS; AMENDING ARTICLE 301, “LEGAL AND ADMINISTRATIVE PROVISIONS” TO ADDRESS VARIATIONS IN DESIGN; AMENDING ARTICLE 302, “DETAILED USE REGULATIONS” TO ADDRESS CONDITIONS OF USE FOR MULTIPLE-FAMILY DWELLINGS; AMENDING ARTICLE 303, “DISTRICT DEVELOPMENT STANDARDS” TO REVISE HEIGHT LIMITATIONS IN THE CITY CENTER AND HEIGHT LIMITS AND BUILDING TYPES IN THE NEIGHBORHOOD RESIDENTIAL DISTRICT; AMENDING ARTICLE 309, “ADDITIONAL DEVELOPMENT STANDARDS” TO REVISE FENCE HEIGHT LIMITATIONS; AMENDING ARTICLE 635, “SITE PLANS” TO ADDRESS EXPIRATION EXTENSIONS; AMENDING ARTICLE 710, “NONCONFORMING USES, STRUCTURES, AND LOTS” CONCERNING NON-CONFORMING SINGLE FAMILY STRUCTURES IN THE RO DISTRICT; AMENDING ARTICLE 725, “DEFINITIONS”; AMENDING ARTICLE 835, “TELECOMMUNICATION TOWERS AND ANTENNAS” REGARDING LOCATION OF STEALTH ANTENNAS; 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, FLORIDA¹:

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 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.

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

	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 <div style="border: 1px solid black; padding: 2px; display: inline-block;">NP</div> - Not permitted	Marine	RO (see sec 110-180)	CC	EDBB-MU	SFED-MU	GTWY-MU	NBHD-MU	C-1	C-2	C-3	C-4
USES											
<u>Boats, Indoor storage of new or used only on property abutting a navigable waterway</u>	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SE
<u>Boats, Outdoor storage of new or used</u>	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Multifamily dwellings	NP	NP	P	P	P	P	P	NP	NP	NP	NP

Single-family residence	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Section 3. That Article 301 “Legal and Administrative Provisions” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 301. - LEGAL AND ADMINISTRATIVE PROVISIONS

* * *

Sec. 301-50. - Variations in design; procedure for review of design variations.

* * *

(B) *Applicability.* The city is authorized to approve design variations within the CC, SFED-MU, EDBB-MU and NBHD-MU districts that are consistent with the intent of this section, using the procedure and criteria of this section in lieu of the variance process of article 625. Design-based variations shift the focus of review from hardship to design and logistics issues.

- (1) Maximum height design variations are limited to 10% above the maximum building height or an additional ten (10) feet, whichever is less, and provided no additional stories are granted;
- (2) Design variations are not authorized for varying the following code requirements, which are not specific to the regulations of this subpart:
 - (1) ~~Maximum height;~~
 - (2a) Maximum density;
 - (3b) Maximum impervious area;
 - (4c) Maximum lot coverage;
 - (5d) Minimum open space;
 - (6e) Parking and loading;
 - (7f) Signage.

* * *

Section 4. 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. 302-20. - 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.

* * *

(2) Multiple-family dwellings.

(a) *City Center District.* Apartments on ground story are permitted only on secondary streets, and primary streets outside of the city center core.

(b) *Neighborhood Residential district:* multiple-family dwellings are permitted only on lots that were zoned RM, RM-1, RM-2, or RM-3 immediately prior to the adoption of this code, which is reflected on the new zoning map with an asterisk (NBHD-RES*). Permitted building types for multiple-family dwellings are limited to mansion apartment house, apartment building, and rowhouse with porch, balcony over porch, stoop and dooryard frontage types. Maximum permitted height is ~~five (5)~~ three (3) stories for rowhouses, three (3) and two (2) stories for ~~mansion~~ apartment houses and five (5) stories for apartment buildings.

(c) *All districts.* In all districts where ground story apartments are permitted, they must be part of an apartment building of at least two (2) stories.

* * *

Section 5. 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.

* * *

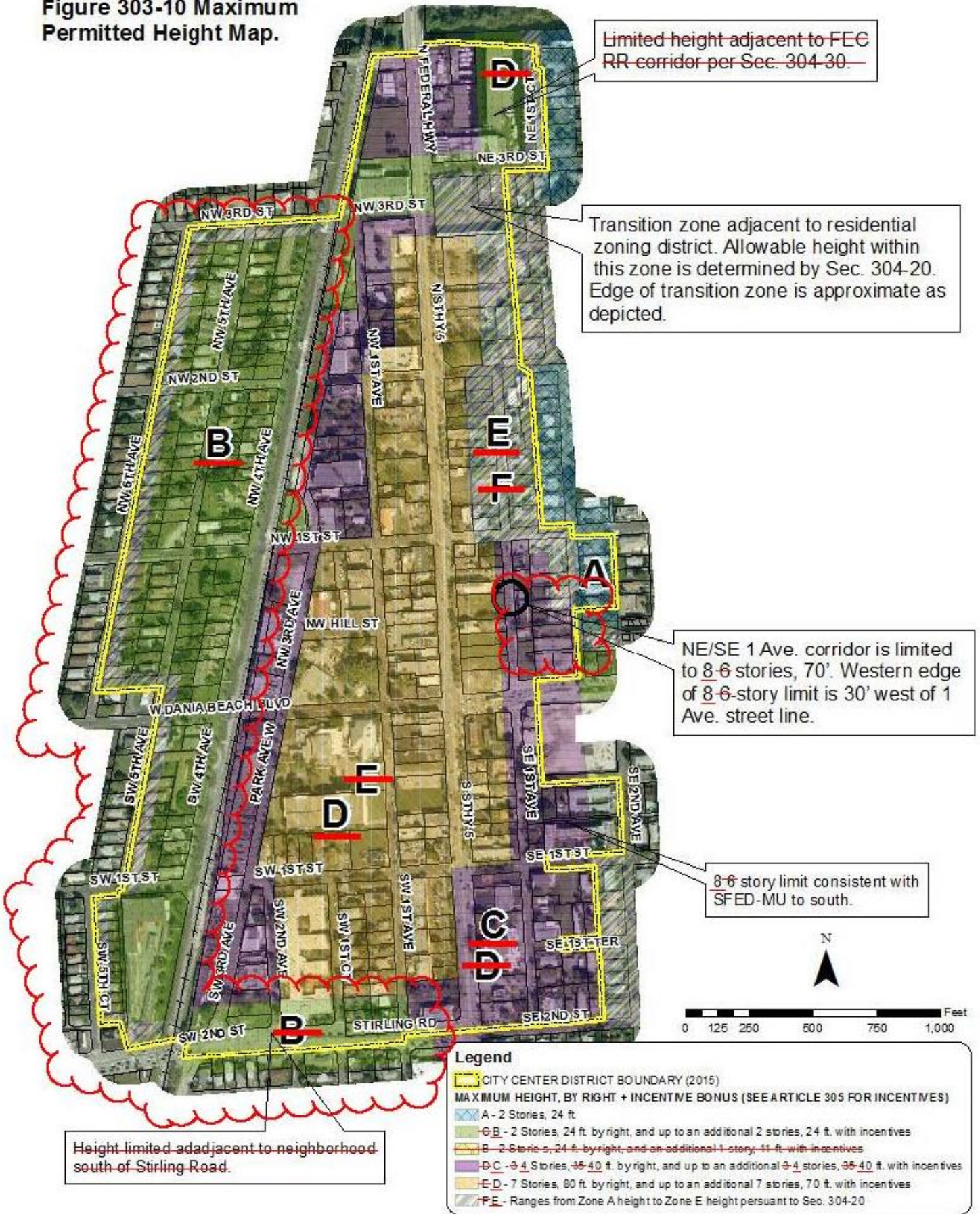
(Q) *Height zones map, Figure 303-10.*

1. The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts and the F.E.C. Railroad corridor. Allowable height increases at a rate of one (1) foot per one and two-thirds (1.66) feet of horizontal distance from an adjacent residential zoning boundary. Therefore, allowable height within one (1) portion of a property might be different than that permitted on another portion. Buildings must be designed accordingly.
2. Allowable height is indicated on the map as the base allowable height, plus additional height that may be authorized by qualifying for height bonuses pursuant to article 305.
3. The allowable height of buildings just outside of the district boundary is shown for information purposes.

[FIGURE 303-10 Is revised as shown in the following figure]

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Figure 303-10 Maximum Permitted Height Map.

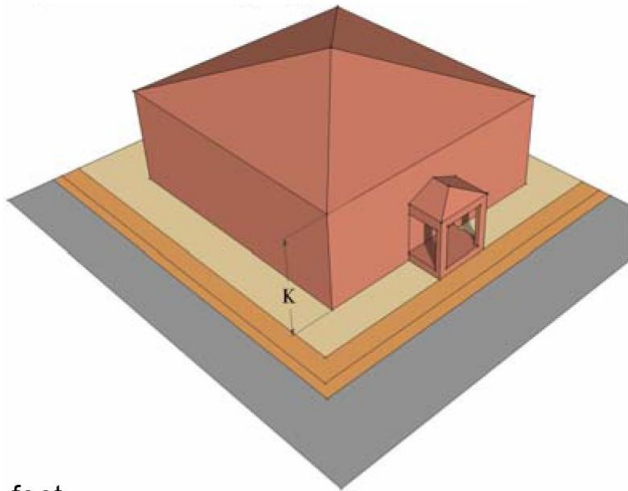


* * *

Sec. 303-90. - NBHD-RES, Neighborhood Residential District.

(E) *Height.* Maximum of two (2) stories and twenty-five (25) feet except as provided in Section 302-20(A)(2)(b). See "K" in diagram.

Figure 303-28 Building height.



(F) *Allowable building and frontage types (see articles [310](#) and [311](#) for details) and required lot dimensions.*

Building Types	Frontage Types				Lot Dimension	
	Porch	Balcony over Porch	Dooryard	Stoop	Width	Depth
Single-Family *	✓	✓			60'	90'
Duplex *	✓	✓			80'	100'
Mansion *	✓	✓			80'	100'
Rowhouse *	✓	✓	✓	✓	100'	100'
<u>Apartment</u> *	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>160'</u>	<u>100'</u>

✓ Permitted frontage type

* Restricted pursuant to section 302-20

Section 6. That Article 309 “Additional Development Standards” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 309. - ADDITIONAL DEVELOPMENT STANDARDS

* * *

Sec. 309-40. - Fences, walls and hedges.

* * *

(B) Decorative fencing is permitted in all districts and is the only type of fencing permitted in any front yard. Decorative fencing shall not exceed ~~three (3) feet in height in neighborhood residential districts and~~ four (4) feet in height elsewhere, unless otherwise provided. Approved decorative fencing materials are wooden shadowbox, decorative aluminum, steel, iron, PVC, and solid masonry walls with paint over stucco.

* * *

Section 7. That Article 635 “Site Plans” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 635. - SITE PLANS

* * *

Sec. 635-100. - Expiration of site plans; procedure for extension.

- (A) All site plan approvals shall automatically expire and become null and void unless the applicant files complete building permit applications with construction drawings for all improvements shown on the site plan within eighteen (18) months from the date of site plan approval, and the permits remain valid until a certificate of occupancy or its equivalent is issued for the improvements.
- (B) The director, planning and zoning board or city commission which originally approved the site plan, as applicable, may grant the following an extensions:
- (1) of one, six (6) ~~twelve (12)~~ additional months extension if the applicant submits the extension request within nineteen (19) months of the date of site plan approval and the applicant can demonstrate good cause for the delay; and-
 - (2) a second six (6) month extension if the applicant submits the extension request prior to the expiration of the first site plan extension deadline provided:

(a) the site plan has been updated to fully comply with the City’s Code of Ordinances as it exists at the date of the extension request and is treated as a site plan modification; and

(b) the applicant can demonstrate good cause for the delay.

Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. ~~Any request for extension of site plan approval before its expiration date will be treated and processed as a site plan modification.~~

* * *

Section 8. That Article 710 “Nonconforming Uses, Structures, And Lots” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 710. - NONCONFORMING USES, STRUCTURES, AND LOTS

* * *

Sec. 710-60. - Exceptions to limitations on the continuance of nonconforming uses and structures.

* * *

(G) *Single-family dwellings; special provisions.* Nonconforming single-family structures located in any RS-6000, RD-8000, RS-8000, or NBHD-RES, or RO district, and which conform to the use regulations of the applicable district, may be reconstructed and added onto, provided the following conditions exist or are met:

* * *

Section 9. That Article 725 “Definitions” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 725. - DEFINITIONS

* * *

Sec. 725-30. - Terms defined.

* * *

Height. For buildings, height is the vertical distance measured from ~~plus eight (8) feet NVGD datum~~ the building slab to the tie beam of the top story.

* * *

Section 10. That Article 835 “Definitions” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 835. - TELECOMMUNICATION TOWERS AND ANTENNAS

* * *

Sec. 835-50. - Zoning districts, height and setback requirements, etc.

* * *

(C) *[Stealth equipment as special exceptions.]* Stealth towers or stealth rooftop and building mounted antennas shall be allowed as special exceptions in the following zoning districts:

- (1) (C-4) ~~Community Business District~~ General Commercial District.
- (2) (C-3) General Business District.
- (3) (C-2) Commercial Business District.

* * *

Section 11. 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 12. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

Section 13. 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 14. That this Ordinance shall take full effect immediately upon its passage and adoption.

PASSED on first reading on June 28, 2016.

PASSED AND ADOPTED on second reading on July 26, 2016.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

MARCO SALVINO, SR.
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY