

**ORDINANCE NO. 2016-021**

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 100 “GENERAL USE REGULATIONS APPLYING TO ALL ZONING DISTRICTS,” CONCERNING MIXED-USE ZONING DISTRICTS; AMENDING ARTICLE 285, “EMERGENCY GENERATORS,” TO FIX A TYPOGRAPHICAL ERROR; AMENDING ARTICLE 305 “INCENTIVES” CONCERNING VOLUNTARY SUSTAINABLE BUILDING PRACTICES; AMENDING ARTICLE 306, “PARKING AND LOADING REGULATIONS” TO ADD ACCESS HIERARCHY CRITERIA FOR THE CRA FORM-BASED DISTRICTS; AMENDING ARTICLE 330 “COMMUNITY FACILITIES DISTRICT (CF)” CONCERNING SPECIAL EXCEPTION USES; AMENDING ARTICLE 510 “PRINCIPAL ARTERIAL COMMERCIAL DESIGN STANDARDS” CONCERNING APPEARANCE STANDARDS FOR CANOPIES; AMENDING ARTICLE 610 “PUBLIC HEARING NOTICES” CONCERNING PUBLIC NOTICE REQUIREMENTS AND STANDARDS; AMENDING ARTICLE 635, “SITE PLANS” TO ADDRESS SITE PLAN PROCESSING; AMENDING ARTICLE 640, “PLATS” TO ADDRESS PLAT PROCESSING; AMENDING ARTICLE 715, “DEPARTMENT OF COMMUNITY DEVELOPMENT”, TO PROVIDE DEVELOPMENT REVIEW COMMITTEE REVIEW; AMENDING ARTICLE 825, “TREE PRESERVATION” REGARDING GENERAL LICENSES AND TREE REPLACEMENT; 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<sup>1</sup>:**

**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 100 “General Use Regulations Applying To All Zoning Districts” of the City of Dania Beach Land Development Code is amended to read as follows:

\* \* \*

**Sec. 100-60. - Establishment of zoning districts.**

The restrictions and controls intended to regulate development in each district are uniform for each class or kind of categorical delineation or distinction. For the purposes of protecting, promoting and improving the public health, safety and the general welfare of the citizens and residents, the city is divided into the following districts:

<b>District map designation</b>	<b>Full district title</b>	<b>Intent and purpose of district</b>
<b>(B) Mixed-use zoning districts</b>		
RO	Residential Office District	Provides for small-scale professional offices on lots fronting major arterial roadways while still permitting a principal dwelling unit in the same building, and maintaining the residential character of the adjacent neighborhood. These are often single-family homes that are no longer viable due to road widenings and related noise. Implements the Commercial and Residential categories of the

<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

District map designation	Full district title	Intent and purpose of district
		comprehensive plan. Use of the commercial or residential flexibility rules of the Broward County Land Use Plan Administrative Rules Document may be required.
NBHD-MU	Neighborhood Mixed-Use District	Provides for neighborhood-serving commercial uses, townhouses, apartments and limited assembly, repair and fabrication that are compatible with residential and commercial uses. The district is applied in a linear fashion, typically to frontage properties along certain collector streets that border or traverse neighborhoods. Front yards are minimized, with buildings close to the street, and rear yard and on-street parking facilities. Implements the Regional Activity Center category of the comprehensive plan.
SFH MU SFED-MU	South Federal Highway Corridor Mixed-Use District	Encourages medium-intensity redevelopment of the corridor with a mix of retail, office, residential, and lodging uses with a design emphasis on pedestrian street life in a manner that supports public transit, while creating interest and fostering investment in the immediate neighborhood. This will be accomplished through a mix of residential and commercial uses along the corridor, built close to the street, with parking facilities behind buildings. Implements the Regional Activity Center category of the comprehensive plan.
GTWY-MU	Beach Gateway Mixed-Use District	Capitalizes on the proximity of conservation areas, waterways and the beach by preserving additional land, thus enhancing the area's assets. This will be accomplished by allowing relatively tall buildings built near the street, in order to allow for a reduction in building footprint and consolidation of the developed area, while providing a landscaped yard between the building and street to differentiate this zone from the more urban EDBB-MU zone. Implements the Regional Activity Center category of the comprehensive plan.

\* \* \*

**Section 3.** That Article 285 “Emergency Generators” of the City of Dania Beach Land Development Code is amended to read as follows:

**ARTICLE 285. - EMERGENCY GENERATORS.**

\* \* \*

**Sec. 285-20. - Emergency generators in nonresidential districts.**

\* \* \*

- (D) Generators and above-ground fuel tanks must be screened from view from all streets and residentially zoned lots using landscaping, fencing ~~of~~ or masonry walls, to a height of at least six (6) inches higher than the top of any portion of the generator and tank.

\* \* \*

**Section 4.** That Article 305 “Incentives” of the City of Dania Beach Land Development Code is amended to read as follows:

\* \* \*

**Sec. 305-50. - Sustainable building practices; voluntary green building/development program.**

\* \* \*

(H) *Performance bond.* Participants in the voluntary green building program, ~~at the time of building permit application~~ prior to issuance of a Certificate of Occupancy, shall post a performance bond, letter of credit or other form of surety approved by the city attorney.

(1) The amount of the required performance bond, letter of credit or other approved form of surety shall be calculated as follows for projects seeking the incentive bonus for meeting third-party certification requirements:

- (a) ~~Two (2)~~ Four (4) percent of the total cost of construction for a development of less than one hundred thousand (100,000) square feet of building area.
- (b) Three (3) percent of the total cost of construction for a development of up to two hundred thousand (200,000) square feet of building.
- (c) ~~Four (4)~~ Two (2) percent of the total cost of construction for any building greater than two hundred thousand (200,000) square feet.

\* \* \*

**Section 5.** That Article 306 “Parking and Loading Regulations” of the City of Dania Beach Land Development Code is amended to read as follows:

**ARTICLE 306. - PARKING AND LOADING REGULATIONS.**

**Sec. 306-10. - Off-street parking requirements.**

Article 265, "Off-Street Parking Regulations" establishes the off-street parking and loading requirements for the CRA form-based districts. This article supplements article 265 and shall prevail in case of conflict.

(A) *Access hierarchy for the CRA form-based districts for rear yard parking.*

\* \* \*

- (5) For properties with more than 400 linear feet of street frontage, access may be provided from the street front of the property.

\* \* \*

**Section 6.** That Article 330 “Community Facilities District (CF)” of the City of Dania Beach Land Development Code is amended to read as follows:

\* \* \*

**Sec. 330-30. - Special exception uses.**

(e) Residential care facilities and adult residential care facilities (pursuant to special residential facilities provisions of the Broward County Land Use Plan and City of Dania Beach) [see subsection 330-40(c)].

\* \* \*

**Section 7.** That Article 510 “Principal Arterial Commercial Design Standards” of the City of Dania Beach Land Development Code is amended to read as follows:

\* \* \*

(J) Canopies, if utilized, shall ~~be restricted to a~~ provide a minimum clearance of fourteen (14) feet in height for areas accommodating vehicles and a ~~maximum~~ minimum clearance of ten (10) feet in height for non-vehicular areas, and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.

\* \* \*

**Section 8.** That Article 610 “Public Hearing Notices” of the City of Dania Beach Land Development Code is amended to read as follows:

**ARTICLE 610. - PUBLIC HEARING NOTICES**

\* \* \*

**Sec. 610-20. - Table of public notice requirements.**

APPLICATION TYPE	REQUIRED PUBLIC HEARINGS	TIMING OF NOTICE (minimum number of days prior to public hearing that notice must be given)	NEWSPAPER NOTICE FORMAT (see section 610-30 for requirements)	MAIL NOTICE RADIUS	SIGN POSTING REQUIRED?	OTHER NOTICE
* * *						

Plat	Planning & Zoning Board	10 days	Standard Ad	Not Required	No	Posting at City Hall
	City Commission	10 days	Standard Ad	Within 300 feet	No	Posting at City Hall
* * *						
Vacation of right-of-way	Planning and Zoning Board	<u>10 days</u>	<u>Standard Ad</u>	<u>Properties fronting the street segment proposed for vacation</u>	<u>Yes</u>	<u>Posting at City Hall</u>
	City Commission	10 days	Standard Ad	Properties fronting the street segment proposed for vacation	Yes	Posting at City Hall
* * *						

\* \* \*

**Section 9.** 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. 635-70. - Site plan processing.**

(A) *[Review for completeness.]* The community development department shall review the site plan application and all support documents for completeness. The department shall notify the applicant of any deficiencies in the application or support documents and specify what additional requirements are to be met. Once the department has determined that the application and support documents are complete, the application and support documents shall be distributed ~~for staff review~~ pursuant to the DRC procedures identified in Section 715-60.

\* \* \*

**Section 10.** That Article 640 “Plats” of the City of Dania Beach Land Development Code is amended to read as follows:

\* \* \*

**ARTICLE 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, pursuant to the DRC procedures identified in Section 715-60, 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 city commission meeting.

\* \* \*

**Section 11.** That Article 715 “Department of Community Development” of the City of Dania Beach Land Development Code is amended to read as follows:

**ARTICLE 715. - DEPARTMENT OF COMMUNITY DEVELOPMENT**

\* \* \*

**Sec. 715-60. – Development Review Committee.**

\* \* \*

The Community Development Department is hereby assigned the responsibility to coordinate the duties of the Development Review Committee (DRC). The membership of the DRC shall include representatives from the fire-rescue, Community Development, and public services departments. When the circumstances of a proposed development necessitates review by additional city staff members or city consultants, the Community Development Director or his/her designee, may add such members to the committee as deemed necessary for the implementation of this section, in accordance with their respective areas of concern and expertise. In addition, if the proposed development is located within the CRA area, the Executive Director of the CRA or designee shall also participate in the review process. The Planning and Zoning Manager or designee shall chair, coordinate and administer the DRC. The duties of the DRC are to review small scale and large scale site plans, site plan modifications, plats and plat amendments, except for plat note amendments, for technical compliance and conformance with all applicable regulations, as it relates to each discipline and any other related issues as may be

assigned by the Community Development Director. All meetings of the DRC shall be open to the public at all times and noticed in accordance with state law.

\* \* \*

**Section 12.** That Article 825 “Tree Preservation” of the City of Dania Beach Land Development Code is amended to read as follows:

**ARTICLE 825. – TREE PRESERVATION.**

\* \* \*

**Sec. 825-60. – General Licenses.**

\* \* \*

(F) *Removal of any tree in owner-occupied residential properties of one (1) acre or less developed for detached single-family and duplex usage.* A general license use notice is required to be submitted to the community development department fifteen (15) days prior to proposed tree removal activities. The issuance of a general license can allow the removal of a tree in excess of current code requirements at no cost, provided the trees is not a historic, specimen or protected. The following activities are not authorized by this general license:

\* \* \*

**Sec. 825-100. – General Licenses.**

\* \* \*

(A) *Replacement criteria.* Trees that are removed and not relocated shall be replaced so that there is, at a minimum, no loss of tree canopy coverage upon maturity of the replacement trees. For owner-occupied single-family and duplex use the current code requirements must be maintained. If, after removal, the existing tree count meets the current code requirements of Section 275-160, then no additional tree replacement is required.

Performance bonds may be required to be posted. The following procedures shall be used to determine the tree replacement requirements:

\* \* \*

**Section 13.** 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 14.** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

**Section 15.** 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 16.** That this Ordinance shall take full effect immediately upon its passage and adoption.

**PASSED** on first reading on September 27, 2016.

**PASSED AND ADOPTED** on second reading on October 10, 2016.

ATTEST:

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LOUISE STILSON, CMC  
CITY CLERK

\_\_\_\_\_  
MARCO A. SALVINO, SR.  
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

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THOMAS J. ANSBRO  
CITY ATTORNEY