

ORDINANCE NO. 2017-005

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 PARKING OF AIRBOATS; AMENDING ARTICLE 302, “DETAILED USE REGULATIONS,” TO ADDRESS CONVENIENCE STORES; AMENDING ARTICLE 215, “SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE,” TO ADDRESS ENCROACHMENTS AND SETBACKS; AMENDING ARTICLE 265, “OFF-STREET PARKING REQUIREMENTS,” TO ADDRESS DRIVEWAY SEPARATION REQUIREMENTS; AMENDING ARTICLE 825, “TREE PRESERVATION,” REGARDING GENERAL LICENSES AND TREE REPLACEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, 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 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. 105-130. - Parking of recreational vehicles in residential zoning districts.

No recreational vehicle, special purpose vehicle, trailer, utility trailer or boat (collectively referred to as "regulated vehicle" only for the purpose of this section and section 105-140) shall be parked in any residential district except as provided in this section.

- (A) *Permitted locations.* All regulated vehicles shall be parked or stored as follows:
 - (1) In the side yard or rear yard.
 - (2) On the driveway in the front yard in the event the side or rear yard is legally inaccessible, provided the regulated vehicle does not encroach into the public right-of-way (ex: cannot block or overhang a sidewalk, swale, alley, or travel surface). The regulated vehicle shall be oriented perpendicular to the street, except where parked on a paved circular driveway.
 - (3) In no event shall any regulated vehicle be parked in the public road right-of-way.
- (B) *Maximum height of regulated vehicles, boats and trailers.* Thirteen and one-half (13.5) feet unless parked or stored in a wholly enclosed garage, in which case there is no height limit.
- (C) *Maximum length and width of regulated vehicles, boats and trailers.* Thirty (30) feet in length and ten (10) feet in width unless parked or stored within a completely enclosed, roofed and walled permanent structure, in which case no maximum dimensions apply.
- (D) *Special purpose vehicles.* No special purpose vehicle, as defined in section 725-30, shall be permitted to be parked or stored in any residential district except within a wholly

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

enclosed garage or fully screened from view from the public right-of-way or abutting properties.

* * *

Section 3. That Article 215, “Supplemental Regulations For Yards, Lot Coverage, Impervious Area And Open Space” of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 215. - SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE

* * *

Sec. 215-60. - Permitted yard encroachments in the RM, RM-1 and RM-2 districts.

- (A) Cornices, chimneys, balconies and fire escapes may extend not more than four (4) feet from a principal building into any required yard.
- (B) Walkways, ramps or steps may extend into required side or rear yard no closer than two (2) feet to adjacent property lines provided no part exceeds three (3) feet in height above the grade.
- (C) Allowable encroachments ~~for single family and two family (duplex) dwellings~~ are permitted subject to the requirements for encroachments in the RS and RD districts unless otherwise specified herein.
- (D) Fences and walls pursuant to article 235.
- (E) Landscape materials.
- (F) Utility boxes.
- (G) Other accessory structures, as provided in section 215-90 (accessory structure setbacks).
- (H) Patio, deck, screen enclosures, sun canopies or gazebos not associated with a pool shall provide a minimum of a five feet (5’) setback from any interior or rear property line, parcel or neighboring unit and a minimum of ten feet (10’) from any street side property line.

* * *

Sec. 215-90. - Accessory structure setbacks.

Certain accessory structures are permitted to encroach into required yards, as follows. All other accessory structures are subject to principal structure setbacks.

* * *

- (B) *Accessory buildings and structures in the RMH District.*

- (1) Carports shall be set back a minimum of two (2) feet from an interior side lot line, and are subject to the principal structure setback requirements from all other property lines. Storage closets erected inside a carport will only require the same setback as the carport.
 - (2) Unroofed, raised wood decks and unroofed, raised concrete patios shall be set back at least six (6) feet from a street line and two (2) feet from a side or rear lot line. Said structures may only be enclosed with open mesh screening.
 - (3) Refer to article 230 for size limitations.
 - (4) Refer to section 220-70 for height limitations.
 - (5) At grade air conditioner units, heating units or other mechanical equipment shall not be located in a front yard and may be located in the side or rear yard provided a minimum five foot (5') setback from the side and rear property line is provided.
 - (6) Covered patio/deck shall provide a minimum of five foot (5') setback from side and rear property line and must maintain the front setback required of the primary structure.
- (C) *Accessory buildings and structures in other districts.* Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet. This subsection does not apply to the CRA form-based zoning districts.
- (D) *Parking.* Accessory buildings and structures shall not interfere with any part of a lot necessary to comply with parking requirements for the principal use in any zoning district.

Section 4. 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. 265-160. - Separation requirements applicable to all driveways.

- (A) No part of any driveway shall be located closer than eighty (80) feet from any the intersection of collector or arterial streets, ~~nor closer than forty-five (45) feet from the intersection of local streets.~~ When a local street intersects an arterial or collector street, the minimum required separation shall be eighty (80) feet measured along the arterial or collector street line, and forty five (45) feet along the local street line.

Section 5. 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							
		City Center	EDBB-MU		SFED-MU		GTWY-MU	NNBHD-MU	NBHD-RES
NP	- Not permitted	Principal Street Frontage							
Abbreviations: EDBB = East Dania Beach Boulevard SFED = South Federal Highway			EDBB	Other streets	S. Fed. Hwy Sheridan St.	Other Streets			

MIXED-USE COMMERCIAL (uses that are compatible with residential uses on adjoining stories)									
	***								NP
	Convenience food store	(8)	(8)	NP	(8)	(8, 20)	P-(8)	P-(8)	NP

Section 6. That Article 825 “Tree Preservation” of the City of Dania Beach Land Development Code is amended to read as follows:

Sec. 825-50. - Definitions.

In interpreting the provisions of this article, if no definition is provided and the context permits, the latest editions of the following publications recognized as authoritative in the field shall apply. The publications are listed in order of authority should discrepancies occur.

* * *

Florida Friendly Landscaping. The use of plant species and grouping of plants with similar requirements, in order to minimize irrigation, fertilization and other maintenance activities.

* * *

~~Xeriscape.~~ A landscaping method that minimizes the need for irrigation by the use of site-appropriate plants and an efficient watering system.

* * *

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 fee for a general license for the removal of a tree shall be waived if the tree to be removed is not a historic, specimen or required tree. The following activities are not authorized by this general license:

* * *

Sec. 825-100. - Tree replacement.

(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:

* * *

Sec. 825-110. - General relocation/replacement conditions.

* * *

(C) Where practicable, replacement tree species, installation methods and maintenance methods shall follow ~~xeriscape~~ Florida Friendly Landscape principles.

* * *

Sec. 825-140. - Special status category trees.

Projects containing special status category trees are subject to the following additional criteria:

* * *

(C) *Specimen trees.* Projects or properties containing specimen tree(s) are subject to the following additional criteria:

* * *

- (2) Specimen trees are subject to the preservation and relocation criteria of this article. If it is determined by the city that tree relocation is not feasible, then payment shall be made into the tree preservation trust fund. Payment shall be based on the value of the tree(s), as determined by the City's Specimen Tree Appraisal Formula, as listed below, which reflects the City's tree preservation priorities based on size, health, and locations which enhance the ability of a tree to provide benefits to the greater community. "The Guide for Plant Appraisal" published by the International Society of Arboriculture. An alternative method of tree valuation may be used if a request is submitted to and approved by the city. Hazard, invasive, and dead trees and ~~dead trees~~ are assigned a zero-dollar monetary value regardless of size. The cost of canopy replacement provided for by a specimen tree (based on price formula in Sec. 825-130) may be subtracted from the calculated specimen tree appraised value.

Specimen Tree Appraisal Formula:

Appraised Tree Value = Price of Replacement Tree X 2.7 X Size Factor X Health/Condition Factor X Location Score

Explanation of formula Components:

Replacement Tree Price shall be the average of three published prices of a common, native, locally available Category 1A Tree (for trees), or common, native, locally available palm tree with a minimum six foot (6') clear trunk (for palms). Locally available suppliers are considered to be those located within two hundred (200) miles of the city limits.

2.7 is a multiplier utilized to represent installation and establishment cost

Size factor:

Hardwoods/conifers: 18-24" DBH = 3, >24" DBH =4

Palms: six feet (6') - twelve feet (12') clear trunk = 1, >twelve feet (12') clear trunk = 2

Health/conditions factor:

Excellent/good (no major defects) = 1.25

Fair (defects are correctable or are not anticipated to cause tree death or required removal within 10 years) = 0.75

Poor (defects not correctable, expected to cause death or require removal within 10 years) = 0

Location score: (locations not described below and all prominent ratings are designated by Community Development Director)

Prominent: highly visible area for general public, significant contribution to area = 3

High: front or street side yard or swale/within ten feet (10') of roadway or sidewalk = 2

Medium: front yard/visible from road or sidewalk and greater than 10 feet from road or sidewalk = 1

Low: rear yard or otherwise similarly obstructed from view = 0.5

If the location of the tree is compromised in a way that cannot be remedied by the property owner, such that the long-term existence or viable growth of the tree is compromised, the location score is reduced by half.

* * *

Sec. 825-200. - Enforcement and penalties.

* * *

(D) The following penalty provisions shall apply throughout this article, except as otherwise specifically provided.

* * *

(3) [Abused trees.] If the natural habit of growth of the tree is damaged or destroyed, the violator property owner shall install a replacement tree, or may elect to conduct remedial maintenance actions to restore the health of the tree, if he/she asserts that restoration is feasible within a two-year period. If the property owner elects to

conduct remedial maintenance, the city may require a restoration plan and a bond for the canopy replacement and specimen tree value of the tree (calculated prior to abuse). The city will release the bond after the property owner demonstrates restoration of the tree in accordance with the city-approved plan. If restoration of the tree has not been achieved by the end of the two (2) year period, the city will collect on the bond. An ~~Such~~ abused tree, including one that is undergoing/has undergone restoration, ~~shall~~ may be required by the city to be removed if it threatens public safety or property, and a tree removal license may be required.

* * *

Section 7. 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 8. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

Section 9. That this Ordinance shall take full effect immediately upon its passage and adoption.

PASSED on first reading on February 14, 2017.

PASSED AND ADOPTED on second reading on _____, 2017.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY