ORDINANCE NO. 2011-010

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY CREATING ARTICLE "DESIGN DISTRICT OVERLAY" IN ORDER TO PROVIDE SUPPLEMENTAL STANDARDS FOR DEVELOPMENT REDEVELOPMENT IN SUPPORT OF THE DESIGN INDUSTRIES WITHIN THE CITY; AMENDING ARTICLE 505 "SIGN REGULATIONS" TO AMEND CERTAIN SIGN REGULATIONS IN ORDER TO PROVIDE FOR CONSISTENCY WITH THE SUPPLEMENTAL SIGN REGULATIONS OF THE DESIGN DISTRICT OVERLAY; PROVIDING FOR ADOPTION OF A MAP OF THE DESIGN DISTRICT OVERLAY AREA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Dania Beach ("City Commission") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VII, 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 thereof; and

WHEREAS, the City Commission finds that City of Dania Beach is home to the Design Center of the Americas, a resource for interior design professionals with over 775,000 square feet of showrooms under one roof, as well as an increasing number of independent design-related businesses; and

WHEREAS, the City Commission finds that the continued expansion of the design industry within the City offers a significant source of economic development for the City and the region; and

WHEREAS, to encourage development and redevelopment related to the design industry within the City, the City Commission desires to provide for supplemental development regulations intended to promote the development and redevelopment of design-related businesses; and

WHEREAS, the City Commission finds that supplemental development regulations are necessary to provide coordination among separately-developed projects to address issues such as infrastructure, environmental protection, signage, pedestrian movement, parking, access, and employment activities, within the area of the City identified as the "Design District Overlay",

and in coordination with the activities of the City's Community Redevelopment Agency (CRA); and

WHEREAS, the Design District Overlay shall include those properties located on the north and south side of Stirling Road east of the Bryan Road canal to SW 12 Avenue, including the commercially zoned showroom-warehouse on the north side of Stirling Road between SW 12 Avenue and Phippen Waiters Road; and

WHEREAS, to support the identification of the Design District Overlay, the City Commission desires to amend Article 505 "Sign Regulations" to provide for the use of district identification banner signs which shall be placed in accordance with a uniform design program approved by the community development director and CRA director; and

WHEREAS, the City Commission further finds that, in conjunction with the adoption of the Design District Overlay, it is necessary to adopt an overlay map to reflect the creation and application of the overlay district, as described in Exhibit "A"; 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 before the City Commission were held 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:

<u>Section 1.</u> That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Subpart 3 "Design District Overlay," Article 316 "Design District Overlay" of the City of Dania Beach Land Development Code is created to read as follows:

PART 3

SUBPART 3. DESIGN DISTRICT OVERLAY

ARTICLE 316. DESIGN DISTRICT OVERLAY.

Sec. 316-10. Created.

This section creates the Design District Overlay which shall be an overlay district supplementing, and cumulative to, the development regulations of the underlying zoning district for the area included in the Overlay. Designation of any property as part of a Design District Overlay does not change the effective land use plan designation or the underlying zoning district. These provisions are intended to supplement underlying zoning regulations in order to support the stated purpose of the overlay district, and shall control in the event of conflict.

Sec. 316-20. Purpose and applicability.

- (A) Purpose. The Design District Overlay is designed to apply where coordination is needed among separately developed projects to address issues such as infrastructure, environmental protection, signage, pedestrian movement, parking, access, or employment activities and to facilitate the activities of the design community and commerce activities as deemed appropriate by the City Commission. The City Commission, in its implementation of this district overlay, seeks to encourage and enhance the congregation of design-focused industry in the City of Dania Beach.
- (B) Article 316 "Design District Overlay" shall apply to all properties within the Design District Overlay.
 - (1) This article shall apply to all new development and any exterior modifications, additions, or renovations to existing buildings, which are valued in excess of five thousand dollars (\$5,000.00) by the building division when calculating the valuation of the work for which the permit is sought. Interior upgrades or tenant improvements shall be exempt.
 - (2) The City Commission or planning and zoning board may approve exceptions to this article in the form of conditions to a site plan approval upon making the following findings:
 - (a) There are circumstances peculiar to the site or the intended use that makes compliance with a particular requirement of this article impracticable; and
 - (b) The applicant has offered significant enhancements to other pertinent aspects of the site that the city commission, or planning and zoning board, determines will offset any negative impact that an exception to these standards might otherwise create.
 - (3) The community development director, after consultation with the CRA director, may administratively waive the application of this article for development that does not require a site plan approval, upon finding that the requested development is so minimal that a waiver will not undermine the accomplishment of the objectives of this article.

- (C) Encouraged Development Components. In order to achieve high quality development and promote innovative design concepts and flexibility, the following components shall be encouraged within the Design District Overlay:
 - (1) The arrangement of uses and structures designed to encourage compatible, multi-use developments within a master-planned style environment, regardless of the existence of multiple site ownerships or separately developed lots.
 - (2) The provision for adequate transportation systems to serve the development including sufficient rights-of-way, street extensions, shared access, cross access, internal circulation, capacity improvements, and pedestrian circulation.
 - (3) The provision of coordinated landscaping, parking facilities, pedestrian amenities, and signage controls.

Sec. 316-30. Design District Overlay location.

The Design District Overlay shall include those properties located on the north and south side of Stirling Road east of the Bryan Road canal to SW 12 Avenue, including the commercially zoned showroom-warehouse on the north side of Stirling Road between SW 12 Avenue and Phippen Waiters Road.

Sec. 316-40. Parking.

- (A) On-site location of required parking spaces. Parking spaces for all uses or structures which are provided to satisfy the schedule of off-street parking and other applicable provisions shall be located on the same lot as the principal use or structure they are intended to serve, except as provided in this section.
- (B) Off-site location of required parking spaces. Establishment of required parking facilities on off-site properties may be permitted as follows:
 - (1) Two (2) or more abutting properties within the Design District Overlay may enter into a cross-access agreement with each other providing for the shared use of excess parking pursuant to sec. 265-80 (off-site parking).
- (C) Number of required parking spaces. The following shall apply:
 - (1) The City Commission may authorize a different quantity of off-street parking spaces as being sufficient for uses in the overlay district, based upon an engineer's parking study, after considering the recommendation of the community development director and the CRA director, if applicable, in accordance with Sec. 265-60. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to review by the city commission.
 - (2) When converting a warehouse space to a showroom space in an existing building, no additional parking shall be required.

Sec. 316-50. Signage.

- (A) Generally. Signage shall meet all the requirements of article 505, sign regulations, based on the underlying zoning district and use, except as provided in this section. In the event of conflict between this section and article 505, this section shall prevail.
 - (1) In the event a commercial use is designed to front both internally and on Stirling Road, article 505 may be applied to allow individual signage on both sides of the commercial building.
- (B) District Identification monument sign. The properties within the Design District Overlay may provide one (1) shared district monument sign, which shall identify the design district as a whole, subject to the requirements of the underlying sign regulations as modified in this section:
 - (1) The district identification monument sign shall be located on a property adjacent to, or within the right-of-way of Stirling Road. This does not preclude the placement of additional signage, identifying the Stirling Road property only, if additional signage would be otherwise permitted under the sign regulations of article 505.
 - (2) The district identification monument sign shall meet the standards identified in the CRA Redevelopment Plan and CRA Sign Guidelines.
 - (3) The City Commission may approve a larger monument sign than that permitted in article 505, if it determines that the additional area is necessary. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to review by the City Commission.
 - (C) District Identification Banner Signs. District identification banner signs are permitted throughout the Design District Overlay. District identification banner signs shall be placed in accordance with Sec. 505-140 (E).

Sec. 316-60. Special Events.

<u>Special Events</u>. The Community Development Department will support special event requests within the district that accentuate the Dania Beach business community. The Community Development Department will encourage the establishment of a reoccurring (annual or semi-annual) event to promote visitors with the district, pursuant to the temporary use and special event approval procedures identified in article 675.

Sec. 316-70. Public Display of Art.

Public art, as defined in sec. 725-30, is encouraged adjacent to and within public sidewalks and in open spaces, to create identity and to celebrate the local art community in Dania Beach. Any public art shall be free of sharp edges or obstructive elements that might cause physical harm. Public art shall be permitted within the public pedestrian corridors or sidewalks upon the issuance of a building permit which will be reviewed by the public services director and approval of necessary encroachment license and maintenance agreement in a form acceptable to the city attorney.

Sec. 316-80. Design Criteria.

- (A) The purpose of the standards in this article is to promote design which is architecturally superior and consistent with the surrounding area and the design goals of the City of Dania Beach.
- (B) These standards are intended to promote development and redevelopment where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design elements. Such elements shall relate the design characteristics of an individual building or project to the other existing and planned structures in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
- (C) The standards in this article are intended to encourage building design that is compatible with the CRA Redevelopment Plan.
- (D) The community development director, after consultation with the CRA director, may administratively waive the application of this article for development that does not require a site plan approval, upon finding that the requested development is so minimal that a waiver will not undermine the accomplishment of the objectives of this article.
- (E) It is the purpose of this article to provide criteria to ensure that architecturally significant structures are encouraged to the maximum extent feasible.
- (F) The following appearance criteria shall apply:
 - (1) All structures on a site shall be designed to create a unified architectural style.
 - (2) All building facades shall be articulated through the use of a coherent and clear architectural design that incorporates rhythms in form and construction details. Buildings shall be designed to incorporate rhythms in form and construction details.
 - (3) Buildings facing a public street or interior courtyard space shall be architecturally emphasized through entrance treatment, fenestration, and building details. Buildings with more than one facade facing a public street shall provide treatment for each facade.
 - (4) Roofs shall provide generous overhangs. The roofing shall be incombustible material such as shingle, clay tile, cement tile, or metal.
 - (5) Roof and exterior wall surfaces, with the exception of glass areas shall be nonreflective. Opaque surfaces and reflective or mirrored type glazing at ground level visible from the sidewalk are prohibited.
 - (6) The use of flat steel or metal panels for the exterior walls is prohibited.
 - (7) The rear and sides of buildings shall be finished with material that in texture and color complements the front of the building.
 - (8) Glass windows and doors must make up at least thirty-five (35) percent of the primary elevation of a corner site and fifteen (15) percent of the secondary elevation of a corner site, except where additional fenestration is required in the CRA form-based zoning districts. 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. The windows shall not be covered or opaque. Display is permitted provided there is functional cross-vision between the inside and outside of the store. Display windows should be accented with awnings or other architectural features.
 - (9) Paints and other material with unproven durability may not be used.

- (10) Colors known to streak, fade, or generate glare may not be used as the dominant building color. These include bright colors, fluorescent colors, un-muted primary colors, and bright white.
- (11) Dominant color should consist of subdued muted colors. Brighter colors may be used for accent elements.
- (12) Roof colors should be muted and compatible with dominant colors.
- (13) Total number of colors used per development shall be limited to three.
- (14) Although variation and interest is desired, architectural detailing and coloring should be compatible or complementary to adjacent structures.
- (15) Canopies, if utilized, shall be restricted to a minimum clearance of fourteen (14) feet in height for areas accommodating vehicles and a maximum clearance of ten (10) feet in height for nonvehicular areas, and shall be consistent with the main building design. The canopy columns shall be architecturally finished to match the building.
- (16) Work areas, storage doors and open bays shall not open toward or otherwise be visible from Stirling Road.
- (17) Heating, ventilation and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the designated arterial, adjacent residential properties or intersecting streets.
- (18) No temporary structures shall be permitted, except those allowed in article 675, "Temporary uses" and associated signage. Office-type mobile units when used as temporary facilities shall be screened from view from Stirling Road and equipped with rigid skirting on all sides. Any towing gear shall be removed, and if not removable, shall be screened from the designated arterial.
- (19) Windows and doors visible from any listed arterial street shall not be obstructed by security bars or similar devices.
- (20) Windows and doors visible from any listed arterial street shall not be obstructed by storm or security shutters or panels, except as provided in chapter 8, sec. 8-186 of the code of ordinances (storm shutter placement).

Sec. 316-90. Landscaping, walls and fencing.

- (A) Commercial development must comply with article 275, "Landscaping Requirements," provided that the street tree requirements shall be altered to require palm clusters on the ends of landscape buffers. The palm clusters shall consist of a minimum of three (3) palms with a minimum height of thirteen (13) feet.
- (B) The use of landscape accents, such as planters and window boxes, shall be incorporated into the overall landscape design of the building and the site.
- (C) Where hedges are utilized and adequate space exists, a tiered effect is required.
- (D) <u>Landscaped areas shall be surrounded with a six (6)-inch raised concrete curb. Grade</u> within areas to be landscaped shall be raised to curb-height.
- (E) Chain link, barbed wire and similar fencing along a designated arterial are prohibited. Where such fencing can be viewed from a designated arterial, landscaping, berming, or both shall be provided to minimize visibility from the designated arterial.
- (F) Perimeter walls, if utilized, shall be architecturally compatible with the principal structure.

Sec. 316-100. Program review.

The Design District Overlay regulations outlined in this article shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of not more that once per year, or as determined by the City Commission. The purpose of reviewing the program includes, but is not limited to, updating program incentives, recommending program or marketing changes to the jurisdiction, reviewing suggestions made by program participants, and district expansion possibilities.

<u>Section 3.</u> That Article 505 "Sign Regulations" of the City of Dania Beach Land Development Code is amended to read as follows:

ARTICLE 505. SIGN REGULATIONS.

Sec. 505-20. Definitions.

* * *

<u>District identification banner sign.</u> A banner sign, containing no commercial content, which identifies an overlay district designated pursuant to the Land Development Code, and which is placed in accordance with a district-wide program and displays a uniform design approved by the community development director, and CRA director, as applicable.

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Sec. 505-140. Special signage regulations by location or type of use.

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- (E) Design District Overlay. The following additional requirements shall apply to properties located within the Design District Overlay, as adopted by the City Commission, and shall prevail in the event of conflict with other provisions of this article. It is the intent of the City Commission that a district identification signage program shall be created to recognize, encourage and enhance the congregation of design-focused industry in the City of Dania Beach.
 - (1) District identification banner signs. District identification banner signs are permitted throughout the Design District Overlay. District identification banner signs shall be permitted on private property, and may be permitted on public property provided that the required governmental approvals are obtained. Such signage shall meet the following criteria:
 - (a) Placement of a district identification banner sign shall require a building permit that must be reviewed by the community development director or his/her designee, and the CRA director.
 - (b) All district identification banner signs shall include the name "Dania Beach" and shall display only the uniform design approved by the CRA director and community development director, as may be amended from time to time. The CRA director and community development director may impose additional

conditions upon the posting and duration of use of district identification banner signs.

(c) The maximum sign area shall be limited to 30" by 72". The City Commission may approve a larger district identification banner sign, if it determines that the additional sign area is necessary to legibly identify all relevant information on the district identification sign at the subject location. Such request shall require submittal of a general development application and associated fees, and shall be reviewed and processed by the community development director or his/her designee, prior to review by the City Commission.

Section 4. 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 5. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dania Beach, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section," "Article" or other appropriate word.

Section 6. That this Ordinance shall take effect immediately at the time of its passage and adoption.

PASSED on first reading on March 9, 2011.

PASSED AND ADOPTED on second reading on March 22, 2011.

ATTEST:

LOUISE STILSON, CMC

CITY CLERK

PATRICIA A. FLURY

MAYOR-COMMISSIONER

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRÖ

CITY ATTORNEY

EXHIBIT 'A'

