



AGENDA
DANIA BEACH CITY COMMISSION
REGULAR MEETING
TUESDAY, MARCH 12, 2024 - 7:00 PM

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYIST REGISTRATION IS REQUIRED. PRIOR TO ENGAGING IN ANY LOBBYING ACTIVITIES, WHETHER OR NOT COMPENSATION IS PAID OR RECEIVED IN CONNECTION WITH THOSE ACTIVITIES, EACH LOBBYIST SHALL FILE WITH THE CITY CLERK AN ANNUAL REGISTRATION STATEMENT AND PAY AN ANNUAL TWO HUNDRED FIFTY DOLLARS (\$250.00) REGISTRATION FEE FOR EACH PRINCIPAL OR EMPLOYER. REGISTRATION FORMS ARE AVAILABLE ON THE CITY WEBSITE: WWW.DANIABEACHFL.GOV. (ORDINANCE #2012-019; AMENDED BY ORDINANCE #2019-019)

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE, 100 W. DANIA BEACH BOULEVARD, DANIA BEACH, FL 33004, (954) 924-6800 EXTENSION 3624, AT LEAST 48 HOURS PRIOR TO THE MEETING.

IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
- B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.

**DECORUM POLICY FOR MEETINGS OF THE CITY COMMISSION
OF THE CITY OF DANIA BEACH, FLORIDA:**

INDIVIDUALS WHO WISH TO MAKE ANY "CITIZEN'S COMMENTS" UNDER THAT PORTION OF THE CITY COMMISSION AGENDA, OR WHO OTHERWISE WANT TO ADDRESS THE CITY COMMISSION, MUST FIRST BE REGISTERED WITH THE CITY CLERK (FORMS ARE AVAILABLE OUTSIDE OF THE CITY COMMISSION CHAMBERS AND MUST BE GIVEN TO THE CLERK BEFORE THE MEETING). OTHERS WHO WANT TO ADDRESS THE COMMISSION ON ANY MATTERS MUST FIRST BE RECOGNIZED BY THE MAYOR. ALL SUCH PERSONS MUST USE THE PODIUM IN THE COMMISSION CHAMBER. NO MORE THAN ONE PERSON AT A TIME MAY ADDRESS THE COMMISSION FROM THE PODIUM. COMMENTS ARE ONLY TO BE MADE TO THE CITY COMMISSION AND ARE NOT TO BE DIRECTED TO THE AUDIENCE OR CITY STAFF.

NO INDIVIDUAL SHALL MAKE ANY SLANDEROUS OR UNDULY REPETITIVE REMARKS, OR ENGAGE IN ANY OTHER FORM OF BEHAVIOR THAT DISRUPTS OR IMPEDES THE ORDERLY CONDUCT OF THE MEETING, AS DETERMINED BY THE MAYOR. NO INDIVIDUAL MAY SPEAK DIRECTLY TO OR ADDRESS THE MAYOR, CITY COMMISSIONER OR CITY STAFF: COMMENTS ARE TO BE ONLY DIRECTED TO THE COMMISSION AS A WHOLE. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OF OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE PERMITTED IN THE COMMISSION CHAMBER.

IF ANY PERSON'S CONDUCT AS DETERMINED BY THE MAYOR IS FOUND TO BE DISRUPTIVE OR INTERFERES WITH THE ORDERLY CONDUCT OF THE MEETING, THE PERSON MAY BE ASKED BY THE MAYOR TO LEAVE THE COMMISSION CHAMBERS; IF THE PERSON DOES NOT LEAVE AND THE CONDUCT PERSISTS, THE CITY POLICE DEPARTMENT WILL BE REQUESTED TO ESCORT THE INDIVIDUAL FROM THE CITY COMMISSION CHAMBERS.

ALL CELLULAR TELEPHONES ARE TO BE SILENCED DURING THE MEETING. ALL PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. (RESOLUTION #2020-032)

- 1. CALL TO ORDER/ROLL CALL**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS AND SPECIAL EVENT APPROVALS**

1. Hot Diggity Dog - 35 Years in Business - *Sponsored by Mayor Ryan*
2. Recognition in Celebration of Women's History Month - *Sponsored by Vice Mayor Lewellen*
3. Earth Day Beach / Pier Clean-Up - *Sponsored by Commissioner Davis*

4. PROCLAMATIONS

1. Women's History Month - March 2024 - *Sponsored by Vice Mayor Lewellen*
2. Irish American Heritage Month - March 2024 - *Sponsored by Mayor Ryan*

5. ADMINISTRATIVE REPORTS

1. City Manager
2. City Attorney
3. City Clerk - Reminders
 - March 26, 2024 City Commission Meeting - 7:00 p.m.
 - April 8, 2024 Budget Workshop - 4:30 p.m.

6. PUBLIC SAFETY REPORTS

7. CITIZENS' COMMENTS

Addressing the Commission: A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters whether or not scheduled on that day's agenda. Individuals wishing to speak on a matter not included on the "Public Hearing" section of the agenda, which matter pertains to an item before the City Commission which requires a decision of the City Commission, may do so by signing in and submitting a form to that effect with the City Clerk prior to the meeting. Speakers at Public Hearings shall also submit such a form. Each speaker shall be limited to 3 minutes for his or her comments. If more than ten (10) speakers express a desire to speak, the Commission shall determine on a meeting by meeting basis whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

8. CONSENT AGENDA

1. Minutes: February 27, 2024 City Commission Meeting Minutes
2. Travel Requests: None.
3. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RECEIPT OF GRANT FUNDING FOR THE STREETSCAPE

BEAUTIFICATION PROJECT ON NW 1ST STREET, FROM BRYAN ROAD TO STATE ROAD 5/US 1, TO PROVIDE FOR FUNDING FOR SIDEWALK, AND ROADWAY IMPROVEMENTS, AS WELL AS PEDESTRIAN AMENITIES IN THE AMOUNT OF THREE HUNDRED SIXTY-THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS (\$360,264.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

4. RESOLUTION NO. 2024-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING APPROVAL OF A RESOLUTION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE LIFT STATION NO. 11 REHABILITATION PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

5. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, JOINING WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (“AFSCME”) UNION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (“MOU”) REGARDING ALLOWING EMPLOYEES TO WORK AT AFTERHOURS SPECIAL EVENTS, AND ESTABLISHING A PROCEDURE FOR THE OFFERING AND ACCEPTING OF SUCH WORK BY EMPLOYEES WITHIN THE BARGAINING UNIT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Human Resources)*

6. RESOLUTION NO. 2024--____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE RENEWAL OF EMERGENCY DEBRIS MONITORING AND FEMA GRANT ADMINISTRATION SERVICES CONTRACTS PURSUANT TO REQUEST FOR PROPOSAL NO. 20-003 FOR PRIMARY, SECONDARY AND TERTIARY SERVICES WITH DEBRIS TECH, LLC, ROSTAN SOLUTIONS, LLC, AND BRENCO EMERGENCY MANAGEMENT, LLC, RESPECTIVELY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7. RESOLUTION NO. 2024-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MODIFICATION NUMBER THREE TO THE SUBGRANT AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT FOR AN INCREASE IN FUNDING

FOR THE REHABILITATION OF LIFT STATIONS 1, 2 AND 3 PROJECT;
PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE
DATE. *(Public Services)*

8. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH,
FLORIDA, AUTHORIZING THE PURCHASE OF PROFESSIONAL SERVICES
FROM RAFTELIS FINANCIAL CONSULTANTS, INC., WITHOUT COMPETITIVE
BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, UTILIZING THE CITY
OF DAYTONA BEACH, FLORIDA GENERAL SERVICES CONTRACT NO. 19632;
PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE
DATE. *(Finance)*

9. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH,
FLORIDA, DELINEATING THE CITY COMMISSION’S POLICY RELATING TO
CODESIGNATION OF STREETS REQUIRING THE CITY COMMISSION TO
COVER ALL COSTS OF CODESIGNATION UP TO TEN THOUSAND DOLLARS
(\$10,000.00) PER REQUEST; PROVIDING FOR CONFLICTS; FURTHER,
PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

9. BIDS AND REQUESTS FOR PROPOSALS: None.

10. QUASI-JUDICIAL & PUBLIC HEARING ITEMS

1. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH,
FLORIDA, PROVIDING FOR AN AMENDED BUDGET APPROPRIATION FOR
FISCAL YEAR 2023-2024 IN THE WATER UTILITY FUND AND SEWER
UTILITY FUND; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR
AN EFFECTIVE DATE. *(Finance)*

2. *(FIRST READING)*
ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA
BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS
EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), TO FUND THE
HISTORIC RESTORATION OF THE NYBERG-SWANSON HOUSE PROJECT;
PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING
FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE
DATE. *(Public Services)*

3. *(FIRST READING)*
ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), WHICH THE ACTUAL PROJECT COST WILL BE DETERMINED AT BID AWARD TO FUND THE BUILDING DEPARTMENT RENOVATION PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

11. FIRST READING ORDINANCES

First reading ordinances under this section are not subject to public hearing and may be taken all at once, unless pulled by the City Commission. A public hearing and discussion will take place at second reading of all ordinances within its respective section of the agenda.

1. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 17, ENTITLED “OFFENSES – MISCELLANEOUS” IN ORDER TO AMEND THE CITY’S EXISTING PROHIBITION ON CAMPING TO ENSURE THAT THE PROHIBITION AND ENFORCEMENT MEASURES CONTAINED IN THE CODE COMPLY WITH CONSTITUTIONAL REQUIREMENTS FOR SUCH ORDINANCES AS SET FORTH BY THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT IN JOEL V. CITY OF ORLANDO, 232 F.3D 1353 (11TH CIR. 2000); AND UPDATING THE CODE VIOLATIONS RELATING TO CAMPING; REPEALING SECTIONS 17.16 “ARREST AND TRIAL,” 17.15 “VAGRANTS”, AND 17-12.1, “SAME — PROHIBITED GENERALLY”, RELATING TO LOITERING PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewllen)*

2. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, “VACATION RENTALS”, AT SECTION 16-2, ENTITLED “VACATION RENTALS”; AMENDING SECTION 105-110, ENTITLED “PARKING AND STORAGE OF MOBILE LIVING UNITS”, AND SECTION SEC. 105-140, ENTITLED “RESTRICTIONS ON PARKING COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS”

TO CLARIFY THAT MOBILE HOMES OR RECREATIONAL VEHICLES (MOBILE LIVING UNITS) CANNOT BE LEASED FOR SHORT TERM OR LONG TERM RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

3. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 25, ENTITLED “TRAFFIC”, AT ARTICLE III, ENTITLED “PARKING, STOPPING AND STANDING”, DIVISION 1, ENTITLED “GENERALLY”; AT SECTION 25-48, ENTITLED “PARKING NOT TO OBSTRUCT TRAFFIC”; SECTION 25-66, ENTITLED “PARKING PROHIBITED AT CERTAIN LOCATIONS”; TO CLARIFY THAT TRAILERS, MOBILE LIVING UNITS, TRUCK OVER ONE TON IN WEIGHT, OR ANY VESSEL PARKED IMPROPERLY SHALL BE SUBJECT TO A GREATER FINE THAN A PERSONAL VEHICLE; AND RESERVING SECTION 25-79, CURRENTLY ENTITLED “FINES”; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*

4. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED “OFFENSES – MISCELLANEOUS” IN ORDER TO SUBSTANTIALLY MODIFY SECTION 17-11, ENTITLED, “RESERVED TO PROVIDE FOR REGULATIONS RELATING TO “OBSTRUCTING OF PEDESTRIAN AND VEHICULAR TRAFFIC” IN ORDER TO PROHIBIT SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*

5. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, “VACATION RENTALS”, AT SECTION SEC. 16-3. REVOCATION, SUSPENSION OR TRANSFER OF VACATION RENTAL CERTIFICATE,” TO PROVIDE AN ADDITIONAL BASIS FOR REVOCATION OR SUSPENSION, AND TO GENERALLY PROVIDE A CLEAN UP OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*

6. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION”,

ARTICLE III, ENTITLED “SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES; CODE ENFORCEMENT CITATION PROGRAM”, AT SECTION 2-58, ENTITLED “SCHEDULE OF CODE ENFORCEMENT FINES/CIVIL PENALTIES” TO UPDATE THE SCHEDULE OF FINES; AMENDING ARTICLE IV, “CODE ENFORCEMENT”, AT SECTION 2-72, “APPLICABILITY” TO UPDATE THE LIST OF CHAPTERS ENFORCED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

7. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 5, 17, 20, 21, AND 25 IN ORDER TO AMEND ALL CITATIONS REFERENCING CERTAIN MONETARY PENALTIES OR IMPRISONMENT TO REFLECT SECTION 1-8 OF THE CITY’S CODE ENTITLED “GENERAL PENALTY; CONTINUING VIOLATIONS; VIOLATION AS PUBLIC NUISANCE”; AND DELETING OBSOLETE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

12. SECOND READING ORDINANCES

1. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 22, OF THE CITY CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED “STREETS AND SIDEWALKS” AT ARTICLE I, ENTITLED “IN GENERAL” BY AMENDING SECTION 22-7A IN ORDER TO MODIFY THE PETITION REQUIREMENTS, PROVIDING FOR A PENALTY FOR FALSE PETITIONS; PROVIDING FOR ONE APPLICATION, PER YEAR; AND MODIFYING COST COVERAGE BY PETITIONERS TO HAVE THE CITY COVER THE COSTS ASSOCIATED WITH THE PROCESS AND INSTALLATION OF CODESIGNATION SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

2. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 20, ENTITLED “POLICE” OF THE CITY’S CODE OF ORDINANCES, ARTICLE IV, ENTITLED “WRECKER AND TOWING SERVICES,” TO AMEND AND UPDATE THE TOW TRUCK LIST REQUIREMENTS AND LOCATION OF THE GARAGE TO WITHIN THE CITY LIMITS OF DANIA BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Mayor Ryan)

3. ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY FRANMAR PROPERTIES OF SOUTH FLORIDA LLC FOR PROPERTY LOCATED AT 2171, 2181, AND 2191 SW 42nd STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED AND INCORPORATE BY REFERENCE INTO THIS ORDINANCE, TO REZONE THE SUBJECT SITE FROM M-2 (GENERAL MANUFACTURING AND INDUSTRIAL, A BROWARD COUNTY ZONING DISTRICT, TO IROM-AA (INDUSTRIAL RESEARCH, OFFICE AND MARINE DISTRICT AND INDUSTRIAL RESEARCH, OFFICE AND MARINE AIRPORT APPROACH DISTRICT) (APPLICATION NO. RZ-081-23), A CITY OF DANIA BEACH ZONING DISTRICT, SUBJECT TO CERTAIN RESTRICTIONS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

4. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 “LAND DEVELOPMENT CODE”; AT PART 3, “SPECIAL ZONING DISTRICTS”; SUBPART 1 “COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS” TO PROVIDE SPECIFIC REGULATIONS FOR THE 4,000 RAC UNITS AUTHORIZED BY BROWARD COUNTY TO BE ALLOCATED TO THE CRA FORM BASED CODE ZONING DISTRICT THROUGH THE CITY’S COMPREHENSIVE PLAN AMENDMENT TO BE ADOPTED IN DECEMBER 2023, TO PROVIDE FOR A SPECIFIC FORM BASED REGULATION FOR THE 4,000 NEW RAC UNITS; AND PROVIDING FOR A VESTING OF THE 2010 RAC UNITS APPROVED UNDER ORDINANCE NO. 2010-007 (ADOPTED ON 9/28/10) UNDER THE REGULATIONS OF THIS SUBPART AS THEY EXISTED IN SUPPLEMENT 154 OF THE DANIA BEACH CODE OF ORDINANCES, DATED NOVEMBER 30, 2022, PUBLISHED BY MUNICIPAL CODE CORPORATION; AND SPECIFICALLY AMENDING THE CRA FORM BASED CODE FOR THE 4,000 UNITS TO ELIMINATE INCENTIVES PROVIDE FOR MANDATORY GREEN CODE REQUIREMENTS AND CLARIFICATIONS, INCLUDING THE FOLLOWING REVISIONS: AMENDING 300-30, ENTITLED “HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT”; AMENDING SECTION 300-60, ENTITLED “OTHER DEVELOPMENT REGULATIONS”; AMENDING SECTION 300-80, ENTITLED “INTENT”; AMENDING SECTION 301-20, ENTITLED “APPLICABILITY”; AMENDING SECTION 301-40, ENTITLED “SITE PLAN PROCEDURES”; AMENDING SECTION 301-50, ENTITLED “VARIATIONS IN DESIGN;

PROCEDURE FOR REVIEW OF DESIGN VARIATIONS”; AMENDING ARTICLE 303, ENTITLED “DISTRICT DEVELOPMENT STANDARDS”; AMENDING SECTION 303-30, ENTITLED “ILLUSTRATED DEVELOPMENT STANDARD DEFINITIONS; INTERPRETATION”; AMENDING THE FOLLOWING SECTIONS: 303-40, ENTITLED “CITY CENTER (CC) DISTRICT”; SECTION 303-50, ENTITLED “NBHD-MU, NEIGHBORHOOD MIXED-USE DISTRICT”; SECTION 303-60, ENTITLED “EDBB-MU, EAST DANIA BEACH BOULEVARD MIXED-USE DISTRICT”; SECTION 303-70, ENTITLED “GTWY-MU, BEACH GATEWAY MIXED-USE DISTRICT”; SECTION 303-80, ENTITLED “SFED-MU, SOUTH FEDERAL HIGHWAY CORRIDOR MIXED-USE DISTRICT”; SECTION 303-90, ENTITLED “NBHD-RES, NEIGHBORHOOD RESIDENTIAL DISTRICT”; SECTION 303-100, ENTITLED “MARINE DISTRICT”; ARTICLE 304, ENTITLED “BUILDING HEIGHT AND TRANSITION REGULATIONS”; AT SECTIONS 304-10, ENTITLED “GENERALLY”; SECTION 304-20, ENTITLED “RULES OF HEIGHT TRANSITION FROM RESIDENTIAL ZONING DISTRICTS”; STRIKING SECTION 304-30, ENTITLED “RULES OF HEIGHT TRANSITION ADJACENT TO FEC RAILROAD CORRIDOR”; RENAMING ARTICLE 305 FROM “INCENTIVES” TO “SUSTAINABLE BUILDING REQUIREMENTS”; STRIKING SECTION 305-10 “APPLICABILITY”; STRIKING SECTION 305-20 ENTITLED “SCHEDULE OF INCENTIVES”; STRIKING SECTION 305-30 ENTITLED “INCENTIVES FOR PROVIDING PUBLIC OPEN SPACE”; STRIKING SECTION 305-40, ENTITLED “INCENTIVES FOR PROVIDING ATTAINABLE HOUSING”; STRIKING SECTION 305-50, ENTITLED “SUSTAINABLE BUILDING PRACTICES”; CREATING A NEW SECTION 305-10 ENTITLED “APPLICABILITY”; CREATING A NEW SECTION 305-20 ENTITLED “GREEN BUILDING; GREEN BUILDING PRACTICES”; CREATING A NEW SECTION 305-30, ENTITLED “THIRD PARTY CERTIFICATION REQUIRED”; STRIKING SECTION 305-60 ENTITLED “PROVIDE PUBLIC PARKING”; STRIKING SECTION 305-70 ENTITLED “INCENTIVES FOR PUBLIC PARKS”; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS”; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

5. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, “LAND DEVELOPMENT REGULATIONS”, OF THE CITY CODE OF ORDINANCES, CREATING ARTICLE 206, “GREEN BUILDING DESIGN STANDARDS”, AND CREATING SECTIONS 206.10 THROUGH 206-90, IMPLEMENTING THE GREEN BUILDING STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

6. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF DANIA BEACH FUTURE LAND USE MAP AS A SMALL-SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ON PROPERTY LOCATED BETWEEN RAVENSWOOD ROAD AND SW 22ND AVENUE NORTH OF SW 42ND STREET, AS LEGALLY DESCRIBED IN EXHIBIT “A”, WHICH CONSISTS OF APPROXIMATELY 0.51 ACRES, CHANGING THE CURRENT FUTURE LAND USE DESIGNATION FROM (BROWARD COUNTY) COMMERCE CATEGORY TO (CITY) INDUSTRIAL CATEGORY; AND CHANGING THE FUTURE LAND USE DESIGNATION FROM (CITY OF HOLLYWOOD) RECREATION AND OPEN SPACE CATEGORY TO (CITY) PARKS AND RECREATION CATEGORY ON PROPERTY AS LEGALLY DESCRIBED IN EXHIBIT “B”, WHICH CONSISTS OF APPROXIMATELY 0.204 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Community Development)*

7. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE DANIA BEACH COMPREHENSIVE PLAN TO AMEND THE REGIONAL ACTIVITY CENTER (“RAC”) LAND USE CLASSIFICATION AS DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS ORDINANCE, BY REDUCING ACREAGE FOR COMMERCIAL AND INCREASING RESIDENTIAL USES; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AND STATE AGENCIES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; REQUESTING RECERTIFICATION FROM THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

8. ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 12, ENTITLED, “FLOOD DAMAGE PREVENTION” OF THE CITY’S CODE OF ORDINANCES IN ORDER TO AMEND THE ELEVATION REQUIREMENTS FOR ALL NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS, STRUCTURES, MANUFACTURED HOMES AND FOR OTHER PURPOSES; AND ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

13. DISCUSSION AND POSSIBLE ACTION

1. C. W. Thomas Gymnasium Dedication - *Sponsored by Commissioner Salvino*
2. RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Commissioner James)*

14. APPOINTMENTS

15. COMMISSION COMMENTS

1. Commissioner Davis
2. Commissioner James
3. Commissioner Salvino
4. Vice-Mayor Lewellen
5. Mayor Ryan

16. ADJOURNMENT



Proclamation

OFFICE OF THE MAYOR · CITY OF DANIA BEACH, FLORIDA

Requested by Vice Mayor Lori Lewellen

WHEREAS, each year, Women's History Month offers an important opportunity for us to shine a light on the extraordinary legacy of trailblazing American women and girls who have built, shaped, and improved upon our Nation; and

WHEREAS, American women have led movements for social and economic justice, made groundbreaking scientific discoveries, enriched our culture with stunning works of arts and literature, and charted bold directions in our foreign policy. American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, the 2024 theme, "Women Who Advocate for Equity, Diversity, and Inclusion" honors women who understand that, for a positive future, we need to eliminate bias and discrimination entirely from our lives and institutions; and

WHEREAS, women influential in Dania Beach's history, such as E. L. (Vera) Hill (the first female elected to the Dania Beach City Commission and the first female elected mayor), Leola Collins (community educator with Collins Elementary named after her), Mildred Jones (community activist), Rose Lizana (Publisher of Dania Beach Press), Ana M. Garcia (the first female City Manager), Eve Boutsis (the first female City Attorney) current female elected officials Vice Mayor Lori Lewellen, Commissioner Joyce L. Davis, and Commissioner Tamara James are just a few of the great women who helped change and shape the landscape of this great city; and

WHEREAS, it's appropriate and fitting to recognize the Dania Woman's Club during Women's History Month. The club was founded in 1907 and was known as the Dania Ladies Improvement Society. Later, thirteen ladies were recognized as members of the Dania Civic Woman's Club and had their first organizational meeting on July 18, 1923. The pioneering Mrs. Ivy Stranahan was their advisor. The club's name was changed to the Dania Woman's Club so they could join the County Federation of Woman's Clubs. Mrs. K. Wilkinson was elected as the first president. The Dania Woman's Club is the oldest Woman's Club in Broward County and to this day continues to thrive as a vibrant woman's organization that works to benefit the Dania Beach community. The current president is Ms. Jessica Lizana; and

WHEREAS, during Women's History Month, let us honor the accomplished and visionary women who have helped build our country, including those whose contributions have not been adequately recognized and celebrated. And let us pay tribute to the trailblazers from the recent and distant past for daring to envision a future for which no past precedent existed, and for building a Nation of endless possibilities for all its women and girls.

NOW, THEREFORE, on behalf of the Dania Beach City Commission, I, A. J. Ryan IV, Mayor of the City of Dania Beach, Florida, do hereby proclaim **March 2024** as:

WOMEN'S HISTORY MONTH

in the city of Dania Beach and encourage all residents of Dania Beach to recognize and celebrate the many ways that women's history has become woven into the fabric of our national story.

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN, IV
MAYOR



Proclamation

OFFICE OF THE MAYOR · CITY OF DANIA BEACH, FLORIDA

WHEREAS, the city of Dania Beach is home to a vibrant and thriving Irish American community, whose members have made significant contributions to the cultural, social, and economic life of our city; and

WHEREAS, the month of March has been recognized as Irish American Heritage Month since 1991, providing an opportunity to celebrate the achievements and contributions of Irish Americans; and

WHEREAS, many Irish families settled in Dania in the early 1900s, including the Ryan Family, and continue to provide leadership and service to our nation's political, business, and religious establishments; and

WHEREAS, the Irish American community in Dania Beach has preserved and shared its unique cultural heritage through various activities and events, including music, dance, language, and food; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of Irish Americans.

NOW, THEREFORE, on behalf of the Dania Beach City Commission, I, Archibald J. Ryan, IV, Mayor of the City of Dania Beach, Florida, do hereby proclaim March 2024 as:

Irish American Heritage Month

in the city of Dania Beach and encourage all citizens of Dania Beach to honor and recognize the significant contributions of Irish Americans to our city, state, and nation.

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN, IV
MAYOR



CITY OF DANIA BEACH

OFFICE OF THE CITY MANGER

100 West Dania Beach Blvd · Dania Beach, FL 33004 · (954) 924-6800 · (954) 921-2604 (fax)

MEMORANDUM

Date: March 12, 2024

To: Mayor A. J. Ryan IV
Vice Mayor Lori Lewellen
Commissioner Joyce L. Davis
Commissioner Tamara James
Commissioner Marco A. Salvino, Sr.

From: Ana M. Garcia, ICMA-CM, City Manager

Subject: Manager's Report

As I write my manager's report to you, the below report is official! We are extremely pleased, and I will continue to be in communication with Rana Brown and the members of the Ron Book Team. Please note that the below is not in the budget until the Governor signs the budget. Our success in Tallahassee during these past 5 years has been of historic proportions averaging \$1 million plus per year.

PROJECT	FUNDING
Dania Beach Drainage Outfall Valve Retrofit Project (SF 2678/HF 1777) Requested: \$500,000 Match: 66.7% Sponsors: Senator Pizzo, Representative Cassel	\$250,000
Dania Beach Lift Station No. 11 Rebuild and Resiliency Project (SF 2679/HF 1778) Requested: \$550,000 Match: 81.7% Sponsors: Senator Pizzo, Representative Cassel	\$275,000
Dania Beach SW 34 Terrace Drainage Project (SF 2680/HF 1779) Requested: \$500,000 Match: 50% Sponsors: Senator Pizzo, Representative Cassel	\$500,000
FRDAP: Chester Byrd Park Improvement Project (ranked #16)	\$200,000

Speaking of our success in Tallahassee, we were awarded \$200k for Mullikin Park in 2022. The design for this park project is 75% completed and we are targeting June as the date for the next step; invitation to bid.

As of Wednesday, March 6th at 10:00 a.m., more than 500 tickets for the Beer, Wine and Spirits sampling had been sold for our Dania After Dark Wine and Seafood Festival. As a reminder, this event has no cover charge and has free entertainment, live music, and free activities for the entire family. We will provide details post event. We will continue to assess via surveys, and or other feedback from our community, as well as conversations with all of you and our special events Team.

The demolition of IT Parker is completed. We have a targeted completion/ribbon cutting date of October 2024. Time frames are subject to change due to unforeseen circumstances.

I am happy to report that the covered shade area on the north side at Mildred V. Jones Park has been completed.

Several months ago, our Parks and Recreation Director presented all the Dania after Dark events for Fiscal Year 23-24 that commenced with Oktoberfest this past October.

Our special events and marketing team, working closely with all departments and the Manager's office has been focusing on a calendar (see included as back up) that augments and enhances existing events, adds new events per your recommendations and includes upcoming ribbon cutting events as well. As we have discussed, the aforementioned activities will culminate in our 120th Celebration Party this November 2024 where our entire community will be able to attend/ participate at no cost to them. The details and funding of many of these events are still to be determined, particularly new requests in Fiscal Year 23-24 (Gala that we have added for September 2024) should you decide you want to move forward with, and fund. Additionally, per your request, we have added a tomato infusion to our taste of Dania Beach for May, and should you want a stand-alone event, it must be funded and calendared.

As we craft the budget for Fiscal Year 24-25 with you, the October 2024 through September 2025 events will have budget dollars associated with the events planned. Please note, our Marketing and Communications Division Director reminded us that our 120th continues until November 2025 when we turn 121. There are plenty of opportunities to keep celebrating and delivering more special events for our community in the next fiscal year.

I have included a detailed projects/ funding report (see attached) to show the magnitude of all Citywide projects we are working on, as well as funding attained and pending monies to complete. This allows you to make educated decisions and assists you greatly as we begin budget discussions/ workshops with you next month.

I have included an update from the Marketing and Communications Division Director, Nanette Rodriguez, that depicts the return on the investment with Visit Ft. Lauderdale. As we work on the Fiscal Year 24-25 proposed budget, we will further discuss and recommend accordingly.

I have included some examples of business cards for your consideration that give you great options. Upon your approval of 1 or perhaps 2 options, (up to you) we can move forward with procurement. Kudos to the team that worked together on this endeavor and to Nanette and Sussette that brought all suggestions together to create what is before you.

Our new Ocean Park Marina management company, Oasis, has hit the ground running. They are working very closely with our Director and Deputy Director of Parks and Recreation. This past Wednesday, March 6th, we met with them and discussed our expectations. I plan to visit Fernandina Beach, Florida soon to

see the Oasis operations there. We discussed our adopted strategic plan and your/our priorities such as safety, aesthetics, the environment, and quality of life. The Oasis team or the manager will be making a presentation to all of you in the near future as they are in assessment mode.

MARCH 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					01	02
03	04	05	06	07	08	09 DANIA AFTER/DARK Wine & Seafood
10	11	12	13	14 Take Your Dog to Work Day	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30 Spring Egg Hunt
31						

- Color Legend
- Events not related to the 120th Celebration
 - Internal Employee Events
 - Events Celebrating/Highlighting the 120th Celebration

APRIL 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	01	02	03	04	05	06
07	08	09	10	11	12	13 DANIA AFTER/DARK Blues & BBQ
14	15	16	17	18	19	20
21	22 Earth Day Beach Cleanup	23	24	25 Take Your Kid to Work Day Arbor Day Tree Giveaway	26	27
28	29	30				

April 120th Birthday Branded Events: Earth Day Beach Cleanup will include the 120th birthday logo on T-shirts and banners. Arbor Day Tree Giveaway will also be branded to celebrate 120 years with the logo placed on the pots of all trees distributed.

- Color Legend**
- Events not related to the 120th Celebration
 - Internal Employee Events
 - Events Celebrating/Highlighting the 120th Celebration

MAY 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			01	02	03	04
05	06	07	08	09 Born Learning Trails Build/Ribbon Cutting	10	11 DANIA AFTER/DARK Taste of Dania Beach
12	13 Take Your Dog to Work Day	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

May 120th Birthday Event Highlights: The Taste of Dania Beach will be the official kick off of the 120-year celebration unveiling the City Hall Parking Garage anniversary poster. The event will honor restaurants that have been in Dania Beach for 20+ years. The historical society will have a booth to celebrate the kick off to the 120-year celebration. The taste portion of the event will have a tomato infused component to the event.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

JUNE 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						01
02	03	04	05	06	07	08
09	10	11	12	13	14	15 Juneteenth
16	17 Summer Camp Art Contest	18	19	20	21	22
23	24	25 SE Drainage Project Ground Breaking	26	27	28	29
30						

June 120th Birthday Event Highlights: Parks will kick off an art contest with the summer camp participants relating to 120 years history. The winners will be awarded a plaque at the July 9 commission meeting.

Notes: The City plans to hold a ribbon cutting for the Arts Park monument sign unveiling as well as the unveiling of the Key to the City at Dania Pointe in June. These dates are TBD.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

JULY 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	01	02	03	04	05	06
07	08	09 Summer Camp Art Contest Awards at Commission	10	11	12	13
14	15	16	17	18 Employee Ice Cream Social	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 120th Birthday Event Highlights: The Summer Camp Art Contest winners will be awarded their plaques at the July 9 commission meeting.

July is Parks & Recreation Month

Color
Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

AUGUST 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				01 Back to School Beach Cleanup	02 120-Day Countdown to 120th Birthday	03
04	05	06	07	08	09	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 120th Birthday Event Highlights: The Back-to-School Beach Cleanup will be branded to celebrate 120 years with the logo incorporated into the backpacks given away. Social media campaigns (120 Things to Like and Do in Dania Beach, Throwback Thursday History Highlights) kick-off 120 days prior to anniversary.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

SEPTEMBER 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
01	02	03	04	05	06	07
08	09	10	11	12 120th Gala	13	14
15	16	17	18	19 Take Your Dog to Work Day	20	21
22	23	24	25	26	27	28
29	30					

September 120th Birthday Event Highlights: Gala to celebrate 120 years. The estimated budget for this gala is \$100,000.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

OCTOBER 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		01	02	03 Wellness Fair	04	05
06	07	08	09	10 IT Parker Ribbon Cutting***	11	12 DANIA AFTER DARK Oktoberfest
13	14	15	16	17 State of the City	18	19
20	21	22 Breat Cancer Awareness Reception	23	24	25 Fall Festival	26
27	28 Howl-o-Ween***	29	30	31 Halloween HR Party		

October 120th Birthday Event Highlights: For the October 12th Oktoberfest event 3 Sons Brewing will be unveiling the newly branded 120th labeled beer. The October 17th State of the City will be themed around “Yesterday, Today, and Tomorrow.”

***The dates of these events may change.

Color
Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

NOVEMBER 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					01	02
03	04	05	06	07 Nyberg Swanson House Ribbon Cutting	08	09
10	11 Veterans Day	12	13	14	15	16 DANIA AFTER/DARK Birthday/Light Up
17	18	19	20	21 Take Your Dog to Work Day	22	23
24	25	26	27	28 Thanksgiving	29 Thanksgiving Observed	30

November 120th Birthday Event Highlights: The November 16th Birthday Celebration/Light Up Dania Beach will feature a drone show celebrating 120 years as well as the Christmas tree lighting.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

DECEMBER 2024



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
01	02	03	04	05	06 Santa Paws	07
08	09	10	11	12 Employee Recognition/Holiday Party	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December 120th Birthday Event Highlights: The December 12th Employee Recognition/Holiday Party will celebrate and incorporate the 120th logo into the party.

Color Legend

- Events not related to the 120th Celebration
- Internal Employee Events
- Events Celebrating/Highlighting the 120th Celebration

JANUARY 2025



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			01	02	03	04
05	06	07	08	09	10	11 DANIA AFTER/DARK Art Festival
12	13	14	15	16	17	18 MLK Banquet
19	20 MLK Parade/Celebration	21	22	23	24	25
26	27	28	29	30	31	

January 120th Birthday Event Highlights: The January 11th Dania After Dark Art Festival will feature the 120th logo displayed as a mosaic art piece at the event.

- Color Legend**
- Events not related to the 120th Celebration
 - Internal Employee Events
 - Events Celebrating/Highlighting the 120th Celebration

FEBRUARY 2025



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						01
02	03	04	05	06	07	08 DANIA AFTER/DARK Dinner at the Hall
09	10	11	12	13 Employee Appreciation Pizza Luncheon	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

- Color Legend
- Events not related to the 120th Celebration
 - Internal Employee Events
 - Events Celebrating/Highlighting the 120th Celebration

Project Type	Project Name	Estimated	Secured Funding	Unfunded Amount	Funding Source(s)	Status
City-wide	Griffin Marine Park Boat Ramp and Dock Replacement	\$ 1,500,000	\$ -	\$ 1,500,000	FIND Grant / General Revenue Appropriation	Project in the design and permitting phase. FIND funding (\$750,000) requested. If awarded, construction is to start Jan. 2025.
City-wide	Oasis Neighborhood Improvement Program 2024	\$ 447,374	\$ 447,374	\$ -	CDBG / General Revenue Appropriation	Project in design. ITB issued July 2024. CDBG Funding \$177,374.
City-wide	Oasis Neighborhood Improvement Program 2025	\$ 500,000	\$ -	\$ 500,000	CDBG / General Revenue Appropriation	Project is in planning phase, seeking CDBG funding award approximately \$200k
City-wide	Parking Garage Repairs	\$ 385,000	\$ 385,000	\$ -	Ocean Park Fund Revenues	Project is in design stage. Construction is expected to start in 2025
City-wide	Solar Street Lighting CDBG Year 48 Project	\$ 180,000	\$ 180,000	\$ -	CDBG Grant	ITB Issued by 4/1/2024. Project expected to be completed in 2024
City-wide	Corridor Landscape Master Plan	\$ 2,623,000	\$ 772,000	\$ 1,851,000	General Revenue Appropriation	Griffin Road (East of 95) to be completed by 8/1/2024; funding gap to be budgeted over next three fiscal years
City-wide	Sidewalk Master Plan – Tier 2 Repairs	\$ 300,000	\$ 300,000		General Revenue Appropriation	ITB will be issued in 2024 and every year, we will allocate about \$300 to repair sidewalks.
City-wide	Citywide Street Lighting Improvement Proj - Solar	\$ 500,000	\$ 500,000	\$ -	General Revenue Appropriation	Project underway FY2024
City-wide	Median / Poles Electrification Project	\$ 967,974	\$ 967,974	\$ -	General Revenue Appropriation	Completed in phases; funding is available in the Capital Projects Fund
Facilities	City Hall Hardening Project	\$ 2,400,000	\$ 1,800,000	\$ 600,000	FDEM Global Match	FDEM reviewing project. ITB expected to be issued by 8/1/2024. Additional funding provided by FDEM.
Facilities	Police Station Generator HMGP Project	\$ 264,000	\$ 198,000	\$ 66,000	FDEM Global Match	ITB issued by 6/1/2024. Additional funding expected to be provided by FDEM.
Facilities	Fire Station No. 1 Wind Retrofit	\$ 1,062,000	\$ 800,000	\$ 262,000	FDEM Global Match	FDEM reviewing project. ITB expected to be issued by 8/1/2024. Additional funding provided by FDEM.
Facilities	Nyberg Swanson Historic Restoration	\$ 1,194,000	\$ 1,194,000	\$ -	ARPA Funding / General Revenue Appropriation	ITB awarded by 4/1/4024. Project completed by 10/1/2024.
Facilities	Women's Club Historic Restoration	\$ 1,000,000	\$ 1,000,000	\$ -	ARPA Funding	Project to be bid FY25
Facilities	City Hall Restrooms Renovations	\$ 212,937	\$ 212,937	\$ -	General Revenue Appropriation	Project funded an bid awarded; complete Summer 2024
Facilities	City Hall Expansion / Atrium Improvements	\$ 2,500,000	\$ 500,000	\$ 2,000,000	Impact Fees / General Revenue Appropriation	Design underway; completion Summer 2025. Funding gap budgeted through FY25 General Revenue Appropriation
Facilities	Building Department Renovations	\$ 1,300,000	\$ 500,000	\$ 800,000	Building Fund Revenues	\$500k funding secured; appropriate additional funding upon bid award
Ocean Park	Beachside Restroom Improvement Project	\$ 1,500,000	\$ -	\$ 1,500,000	Ocean Park Fund Revenues	Project is in planning phase. Design to start July 2024.
Ocean Park	Dune Walk Over	\$ 150,000	\$ 150,000	\$ -	Ocean Park Fund Revenues	Project is waiting on Broward County. Project is estimated to be completed by the end of 2025.
Ocean Park	Ocean Park Paving Project	\$ 800,000	\$ 800,000	\$ -	Ocean Park Fund Revenues	Project pending completion of restaurant construction.
Ocean Park	Beach Undergrounding - FPL Light Service Line	\$ 450,000	\$ -	\$ 450,000	Ocean Park Fund Revenues	FPL Preparing Cost estimate and schedule to replace wood poles with concrete and electrify; funding request in FY25 budget plan

Project Type		Project Name	Estimated	Secured Funding	Unfunded Amount	Funding Source(s)	Status
Public Safety	Fire EOC Building		\$ 6,800,000	\$ -	\$ 6,800,000	Fire Rescue Impact Fees / ARPA Funding / General Revenue Appropriation	Project is the design phase. Design completed by 12/31/2024.
Recreation Facilities	CW Thomas Park Reconstruction		\$ 21,000,000	\$ 21,000,000	\$ -	Bank Loan / Federal Appropriation	GMP Contract to be awarded March 2024; construction to begin soon
Recreation Facilities	PJ Meli Park Design		\$ 2,000,000	\$ 2,000,000	\$ -	ARPA Funding / General Revenue Appropriation	Funding in FY24 budget + ARPA funds; bid for design Fall 2024
Recreation Facilities	PJ Meli Park Reconstruction		\$ 15,000,000	\$ -	\$ 15,000,000	Bank Loan	Construction to begin Fall 2025 / Budget FY26
Recreation Facilities	Frost Park Design		\$ 1,500,000	\$ -	\$ 1,500,000	General Revenue Appropriation	Design to take place FY27
Recreation Facilities	Frost Park Reconstruction		\$ 18,000,000	\$ -	\$ 18,000,000	Bank Loan	Construction to begin Fall 2027 / Budget FY28
Recreation Facilities	Olsen Middle Park Design		\$ 1,000,000	\$ 1,000,000	\$ -	ARPA Funding / General Revenue Appropriation	Design to begin Summer 2024
Recreation Facilities	Olsen Middle Park Construction		\$ 6,500,000	\$ 4,300,000	\$ 2,200,000	Parks Impact Fees / General Revenue Appropriation	Pending design completion, Phase I (Park) FY25 with Impact Fees; Phase II (Building) FY26 with General Revenue Appropriation
Recreation Facilities	Chester Byrd Park		\$ 1,250,000	\$ 750,000	\$ 500,000	FRDAP Grant / General Revenue Appropriation	FRDAP Grant \$200k; General Revenue Appropriation \$500k (FY24), additional General Revenue Appropriation \$500k in FY25
Recreation Facilities	IT Parker Renovations		\$ 830,671	\$ 830,671	\$ -	General Revenue Appropriation	Project underway; completion Fall 2024
Water Utility	NW/SW 1 Street Water Main		\$ 500,000	\$ 500,000	\$ -	Water Fund Revenues	Project is expanding in scope, additional funds are needed. CGA is working on a design and a cost estimate.
Water Utility	Neighborhood Water Line Replacement Design		\$ 3,000,000	\$ 3,000,000	\$ -	Federal Appropriation / Water Fund Revenues	Project in Design stage. ITB is issued by March 2025.
Water Utility	Wells G&I Rehabilitation		\$ 150,000	\$ 150,000		Water Fund Revenues	Project to be completed by 12/31/024.
Water Utility	Water Plant High Service Area Pumps		\$ 1,200,000	\$ -	\$ 1,200,000	State Revolving Fund Loan	FY25 Project
Water Utility	Water Plant Membrane Replacement		\$ 1,200,000	\$ -	\$ 1,200,000	State Revolving Fund Loan	FY26 Project
Water Utility	Horizontal Well / Raw Water Line		\$ 4,400,000	\$ -	\$ 4,400,000	State Revolving Fund Loan	FY27 Project
Sewer Utility	Lift Stations 1, 2 and 3		\$ 9,600,000	\$ 7,200,000	\$ 2,400,000	FDEM Global Match	Award of the contract Issued by 4/1/2024. Additional funding to be provided by FDEM.
Sewer Utility	Lift Station 4 Rehabilitation		\$ 3,000,000	\$ 3,000,000	\$ -	Sewer Fund Revenues	ITB for Lift Stations 4 and 6 Issued by 6/01/2024
Sewer Utility	Lift Station 6 Rehabilitation		\$ 3,000,000	\$ 3,000,000	\$ -	Sewer Fund Revenues	ITB for Lift Stations 4 and 6 Issued by 6/01/2024
Sewer Utility	Lift Station 11 Rehabilitation		\$ 3,000,000	\$ 3,000,000	\$ -	ARPA Funding / State Grant	ITB for Lift Station 11 issued after state legislative grant award 7/01/2024.
Sewer Utility	Inflow and Infiltration Mainline Repairs Project		\$ 2,041,450	\$ 2,041,450	\$ -	Sewer Fund Revenues	Project underway; completion Fall 2024
Stormwater / Drainage	NW 2 Avenue Drainage Pipe Replacement – Design		\$ 2,000,000	\$ 2,000,000	\$ -	Stormwater Fund Revenues	Design to be competed by 9/01/2024. ITB will be issued by 12/31/2024 and construction will start 2025
Stormwater / Drainage	SW 52 Street Drainage Improvement Project		\$ 1,200,000	\$ 1,200,000	\$ -	Stormwater Fund Revenues / State Grant	ITB will be Issued by 4/1/2024 Construction will be completed in 2024. State Legislative Grant \$500,000.

Project Type		Project Name	Estimated	Secured Funding	Unfunded Amount	Funding Source(s)	Status
Stormwater / Drainage	SW 34 Terrace Drainage Project		\$ 1,000,000	\$ 1,000,000	\$ -	Stormwater Fund Revenues / State Grant	ITB issued after State Legislative Grant is awarded (October 1, 2024). Construction will be completed in 2025
Stormwater / Drainage	NW 1st Street Drainage Repair – 2023		\$ 500,000	\$ 500,000	\$ -	Stormwater Revenues	Project in Design. Phase I ITB will be issued by 3/31/2024
Stormwater / Drainage	SE Drainage Retrofit Project Phase I		\$ 16,815,805	\$ 10,560,000	\$ 6,255,805	Stormwater Revenue Bond	Project waiting on FDEM approval. Construction to start June 1, 2024.
Stormwater / Drainage	SE Drainage Retrofit Project Phase II		\$ 16,000,000	\$ -	\$ 16,000,000	Stormwater Revenue Bond	ITB issued by 12/31/2024.
Stormwater / Drainage	NW 31st Ave Drainage Project		\$ 2,000,000	\$ -	\$ 2,000,000	Stormwater Revenue Bond	Project to be designed Summer FY24; construction in FY25
Stormwater / Drainage	Backflow Valve Installation		\$ 750,000	\$ -	\$ 750,000	Stormwater Revenue Bond / State Grant	Currently installing valves in key areas; additional work planned to leverage potential State budget appropriation funding (\$250k)
Stormwater / Drainage	Gulfstream Rd Drainage Project		\$ 2,500,000	\$ -	\$ 2,500,000	Stormwater Revenue Bond / Developer Contribution	Project to be designed Fall FY25; City to bid project and Developer to reimburse approximately 30% of cost
			\$ 167,974,211	\$ 77,739,406	\$ 90,234,805		

Visit Lauderdale 2023 Dania Beach Business Participation Campaign

- Dania Beach partnered with Visit Lauderdale for media buys during FY 2023 in the amount of \$50,000 (net). The campaign consisted of outdoor billboard ads through Clear Channel; fifteen second video ads in the New York Times and Premion (digital streaming channels); and a full-page ad in AFAR magazine.
- Overall, the campaign over delivered resulting in over 1.3 million bonus impressions and over 63% in positive value benefit (\$81,555) vs Dania Beach's initial investment of \$50K.
- Projected delivery was 4,027,000 and achieved delivery was 5,405,770 (+1,378,770).

Clear Channel Outdoor Billboards

West Palm Beach, Miami, Orlando and Tampa (June through August)

Impressions 3,357,243 (\$22,332 value, +\$8,332)

Video with Premion (Streaming Channels)

As presented, Dania Beach was to receive approximately 350,000 impressions between June and August. Unfortunately, due to a trafficking error, Premion under delivered. As a makegood, additional impressions ran through November.

Jun – Aug: 91,308 impressions at \$13,000 (\$3,411 value, +\$411)

Oct – Nov: 353,349 impressions at \$0 (\$13,200 value, +\$13,300)

Total impressions: 444,657

New York Times

Dania Beach was featured alongside Visit Lauderdale in Flex XL Nested Autoplay Video Units in shared :30 second videos (:15 Seconds Dania Beach/:15 Seconds Visit Lauderdale)

Impressions: 503,870; Clicks, 2,161 and click-through rate of .42% (\$11,612 value, +\$612.00)

AFAR Magazine

Full-page ad in the second annual cruise insert edition (September 2023)

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NYT



Clear Channel Billboards

OPTION 1

A

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B

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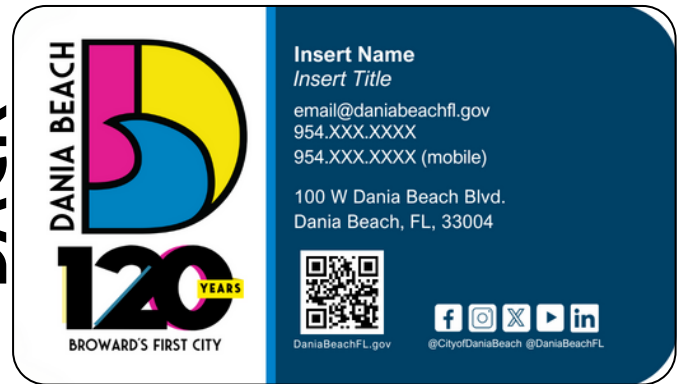
OPTION 2

A

FRONT



BACK



B

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BACK



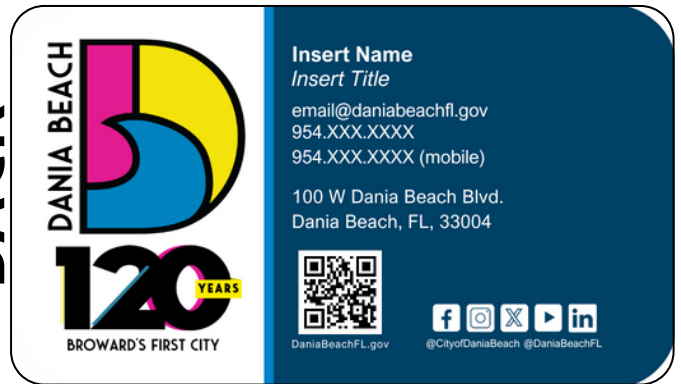
OPTION 3

A

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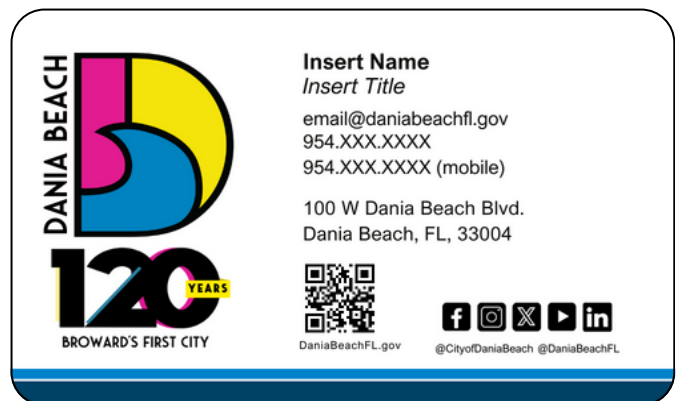


B

FRONT



BACK



Special Magistrate Hearing

Case #	Status	Hearing Type	Property Address	Cited Party	Default Inspector
2022-00000540	Active	H-ABATEMENT - Abatement Hearing	14 SW 6 ST	MCKINNEY, DAN W	Alberto Chavarria
2023-00001391	Active	H-FIRST HEARING - First Hearing	3549 FOREST VIEW CIR	MARK & ALIZA ARONIN	Alberto Chavarria
2024-00000014	Active	H-FIRST HEARING - First Hearing	224 SW 5 ST	MARINA PRIME TIME LLC	Alberto Chavarria
2024-00000021	Active	H-FIRST HEARING - First Hearing	245 SW 1 AVE	KURT D ELY EST	Alberto Chavarria
2024-00000029	Active	H-FIRST HEARING - First Hearing	753 SW 2 ST	MAIRELYS CARILLO PARRA	Alberto Chavarria
2024-00000142	Active	H-FIRST HEARING - First Hearing	25 SW 10 ST	25 SW 10 LLC	Alberto Chavarria
2024-00000165	Active	H-FIRST HEARING - First Hearing	302 SW 4 CT	RDF ENTERPRISES LLC	Alberto Chavarria
2024-00000167	Active	H-FIRST HEARING - First Hearing	724 SW 6 ST	SFR 2012-1 FLORIDA LLC	Alberto Chavarria
2024-00000169	Active	H-FIRST HEARING - First Hearing	1302 NW 2 ST	COLLINS SUITE ENTERPRISES LLC	Alberto Chavarria
2024-00000172	Active	H-FIRST HEARING - First Hearing	NW 1 ST	CCEM LLC	Alberto Chavarria
2024-00000185	Active	H-FIRST HEARING - First Hearing	250 SW 5 ST	SHAWN CALLENIUS	Alberto Chavarria
2024-00000195	Active	H-FIRST HEARING - First Hearing	224 SW 3 PL	IXEL MEDINA	Alberto Chavarria
2024-00000203	Active	H-FIRST HEARING - First Hearing	48 SW 12 ST	MARIA C GREENIDGE	Alberto Chavarria
2024-00000206	Active	H-FIRST HEARING - First Hearing	42 SW 12 ST	INVEST IN AC LLC	Alberto Chavarria
2024-00000218	Active	H-FIRST HEARING - First Hearing	215 SW 5 ST	Organesian, Arthur	Alberto Chavarria
2024-00000228	Active	H-FIRST HEARING - First Hearing	213-215 SW 11 ST	RUGGERI SAMARRA, MARTIN A	Alberto Chavarria
2024-00000239	Active	H-FIRST HEARING - First Hearing	819 SW 12 AVE	BIBLICAL HOUSE OF GOD NONE OTHER CHURCH INC	Alberto Chavarria
2024-00000241	Active	H-FIRST HEARING - First Hearing	819 SW 12 AVE	BIBLICAL HOUSE OF GOD NONE OTHER CHURCH INC	Alberto Chavarria

Special Magistrate Hearing

2013-00001646	Active	H-ABATEMENT - Abatement Hearing	241 NW 5 AVE	US Bank NA Trstee % Shapiro & Fishman LLP	Anson Westberry
2014-00001603	Active	H-ABATEMENT - Abatement Hearing	206 NW 5 AVE	Lois H Jackson	Anson Westberry
2022-00000368	Active	H-ABATEMENT - Abatement Hearing	405 SE 4 ST	FERNANDEZ, ANGELA FERNANDEZ, TERESA	Anson Westberry
2022-00000817	Active	H-ABATEMENT - Abatement Hearing	NW 14 WAY	ARRABUS TRADING LLC ARX ASSOCIATES LLC	Anson Westberry
2022-00001506	Active	H-EXTENSION - Extension Hearing	825 E DANIA BEACH BLVD	HARE KRISHNA DANIA BEACH LLC	Anson Westberry
2023-00000479	Active	H-ABATEMENT - Abatement Hearing	329 SE 3 PL	SILVA, RAMSES A	Anson Westberry
2023-00001076	Active	H-EXTENSION - Extension Hearing	413 SE 3 TER	MARIA ECHAVE	Anson Westberry
2023-00001174	Active	H-EXTENSION - Extension Hearing	237 SE 1 ST	1217 INVESTMENTS LLC	Anson Westberry
2023-00001207	Active	H-FIRST HEARING - First Hearing	212 NE 2 CT	TILLEMANN, TAMARA RAVEH	Anson Westberry
2023-00001473	Active	H-FIRST HEARING - First Hearing	25 SW 5 AVE	SFCLT DANIA I LLC	Anson Westberry
2023-00001474	Active	H-FIRST HEARING - First Hearing	420 SW 1 ST	SFCLT DANIA I LLC	Anson Westberry
2023-00001475	Active	H-FIRST HEARING - First Hearing	520 STIRLING RD	GOLEN PROPERTIES LLC	Anson Westberry
2023-00001499	Active	H-FIRST HEARING - First Hearing	22 NW 8 AVE	22 NW 8TH AVE LLC	Anson Westberry
2023-00001528	Active	H-FIRST HEARING - First Hearing	224 NW 13 CT	JUAN CAMILO GOMEZ	Anson Westberry
2023-00001529	Active	H-FIRST HEARING - First Hearing	122-132 SW 3 AVE	KC FOODSERVICE LLC	Anson Westberry
2023-00001545	Active	H-FIRST HEARING - First Hearing	228 NW 6 AVE	2981 POMPANO LAND TR LEVY, BENJAMIN TRSTEE	Anson Westberry
2023-00001566	Active	H-FIRST HEARING - First Hearing	810 NW 10 AVE	JIMENEZ, MICHAEL A	Anson Westberry
2023-00001569	Active	H-FIRST HEARING - First Hearing	233 N FEDERAL HWY A	B & JCM DANIA BEACH LLC	Anson Westberry

Special Magistrate Hearing

2024-00000011	Active	H-FIRST HEARING - First Hearing	23-33 N FEDERAL HWY	DANIA ANTIQUE & JEWELRY ARCADE	Anson Westberry
2024-00000012	Active	H-FIRST HEARING - First Hearing	NW 1 AVE	49 N FEDERAL LLC	Anson Westberry
2024-00000052	Active	H-FIRST HEARING - First Hearing	813 NW 3 ST 2	YORD INVESTMENT LLC	Anson Westberry
2024-00000061	Active	H-FIRST HEARING - First Hearing	126 NW 8 AVE	LGG REAL ESTATE LLC	Anson Westberry
2024-00000131	Active	H-FIRST HEARING - First Hearing	207 NW 7 AVE	NEXT ERA CONTRACTORS CORP	Anson Westberry
2024-00000147	Active	H-FIRST HEARING - First Hearing	29 NW 5 AVE	DULCIETA PROPERTIES INC	Anson Westberry
2024-00000161	Active	H-FIRST HEARING - First Hearing	420 NW 3 PL	ALL SPECIALISTS INC	Anson Westberry
2024-00000193	Active	H-FIRST HEARING - First Hearing	1106 NW 2 ST	DANIA PS LLC	Anson Westberry
2024-00000198	Active	H-RECURRING - Recurring Hearing	223 NW 13 CT	JUAN JOSE AGUILAR	Anson Westberry
2024-00000199	Active	H-RECURRING - Recurring Hearing	210 NW 12 AVE	DANIA ECONOMIC DEVELOPMENT CORP	Anson Westberry
2022-00001017	Active	H-ABATEMENT - Abatement Hearing	4432 SW 52 ST	GMAX FL LLC	Christina Caserta
2023-00000027	Active	H-ABATEMENT - Abatement Hearing	121 NW 4 AVE	JUDGE, RICHARD JR	Christina Caserta
2024-00000010	Active	H-FIRST HEARING - First Hearing	1505 S FEDERAL HWY	1505 FEDERAL PLAZA LLC	Christina Caserta
2024-00000136	Active	H-FIRST HEARING - First Hearing	210 NE 2 CT	CARDENAS, HUGO D	Christina Caserta
2024-00000137	Active	H-FIRST HEARING - First Hearing	210 NE 2 CT	CARDENAS, HUGO D	Christina Caserta
2024-00000262	Active	H-FIRST HEARING - First Hearing	414 SE 5 ST	MORALES, EUGENIA GARAY, RANDOLPH	Christina Caserta
2024-00000263	Active	H-FIRST HEARING - First Hearing	414 SE 5 ST	MORALES, EUGENIA GARAY, RANDOLPH	Christina Caserta
2023-00000462	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	307 W DIXIE LLC	Michelle Shahryar

Special Magistrate Hearing

2023-00000502	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	GAL, ORI	Michelle Shahryar
2023-00000513	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	307 W DIXIE LLC	Michelle Shahryar
2023-00000578	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	307 W DIXIE LLC	Michelle Shahryar
2023-00001121	Active	H-EXTENSION - Extension Hearing	257 SW 3 PL	MACE EUGENE & ANGELINDA	Michelle Shahryar
2023-00001277	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	307 W DIXIE LLC	Michelle Shahryar
2023-00001412	Active	H-FIRST HEARING - First Hearing	757 SW 3 PL	GREEN HOLCOMBE, SHARON GREEN, DORA B EST ETAL	Michelle Shahryar
2023-00001448	Active	H-CONFIRMATION - Confirmation Hearing	307 W DIXIE HWY	307 W DIXIE LLC	Michelle Shahryar
2023-00001508	Active	H-FIRST HEARING - First Hearing	4584 SW 24 AVE	FRANCISO M JUAREZ & ROGER JUAREZ	Michelle Shahryar
2023-00001517	Active	H-FIRST HEARING - First Hearing	2201 GRIFFIN RD	DEER PROPERTIES LLC	Michelle Shahryar
2023-00001518	Active	H-FIRST HEARING - First Hearing	2591 GRIFFIN RD	YEDIDIM USA INC	Michelle Shahryar
2023-00001520	Active	H-FIRST HEARING - First Hearing	2501 GRIFFIN RD	LILLIAN M BARRON REV TR BARRON, LILLIAN TRSTEE	Michelle Shahryar
2023-00001522	Active	H-FIRST HEARING - First Hearing	2501 GRIFFIN RD	LILLIAN M BARRON REV TR & LILLIAN BARRON TRSTEE	Michelle Shahryar
2023-00001536	Active	H-FIRST HEARING - First Hearing	4411 SW 32 AVE	VILLA MACHINI INC	Michelle Shahryar
2023-00001575	Active	H-FIRST HEARING - First Hearing	4497 SW 34 TER	LEIMAN, BRYAN LEIMAN, BECKY	Michelle Shahryar
2024-00000026	Active	H-FIRST HEARING - First Hearing	2851 GRIFFIN RD	HOLLYWOOD PARK APARTMENTS NORTH LLC	Michelle Shahryar
2024-00000062	Active	H-FIRST HEARING - First Hearing	2231 GRIFFIN RD	DEER PROPERTIES LLC	Michelle Shahryar
2024-00000090	Active	H-FIRST HEARING - First Hearing	2765 GRIFFIN RD	BRADY, DWIGHT	Michelle Shahryar
2024-00000144	Active	H-FIRST HEARING - First Hearing	4411 SW 32 AVE	VILLA MACHINI INC	Michelle Shahryar

Special Magistrate Hearing

2014-00002191	Active	H-ABATEMENT - Abatement Hearing	500 NE 2 ST Common Area	Palm Village Club Condominium Association, Inc	Ricky Ali
2021-00000622	Active	H-ABATEMENT - Abatement Hearing	104 NE 2 ST	GAO, YUNQING	Ricky Ali
2023-00000811	Active	H-ABATEMENT - Abatement Hearing	529 NW 7 ST	PAUL PAVILACK REV LIV TR PAVILACK PAUL TRSTEE	Ricky Ali
2023-00001061	Active	H-FIRST HEARING - First Hearing	5169 SW 28 AVE	WRIGHT, SHALEIGHA	Ricky Ali
2023-00001186	Active	H-EXTENSION - Extension Hearing	4610 SW 34 DR	TY GOOSE	Ricky Ali
2023-00001191	Active	H-EXTENSION - Extension Hearing	4407 SW 37 AVE	KANE, MICHAEL	Ricky Ali
2023-00001497	Active	H-FIRST HEARING - First Hearing	4601 SW 42 AVE	DUBIS LEVY	Ricky Ali
2023-00001554	Active	H-FIRST HEARING - First Hearing	4731 SW 42 TER	KEITH BOWMAN	Ricky Ali
2023-00001558	Active	H-FIRST HEARING - First Hearing	4434 SW 59 CT	4434 SW 59 LLC	Ricky Ali
2023-00001559	Active	H-FIRST HEARING - First Hearing	5840 SW 37 AVE	5840 SW 37 FORT LAUDERDALE LLC EP 5840 SW 37 LLC	Ricky Ali
2023-00001560	Active	H-FIRST HEARING - First Hearing	5511 SW 43 TER	SOT HOUSING LLC	Ricky Ali
2024-00000002	Active	H-FIRST HEARING - First Hearing	SW 54 ST	CONSOLIDATE MANAGEMENT CO % EMERALD ISLES CONDO	Ricky Ali
2024-00000007	Active	H-FIRST HEARING - First Hearing	4425 SW 50 ST	MICHEL MAYEDO H/E & ROBERTO MAYEDO EST	Ricky Ali
2024-00000020	Active	H-FIRST HEARING - First Hearing	4101 SW 54 CT	IORDANOV FAM REV TR	Ricky Ali
2024-00000024	Active	H-FIRST HEARING - First Hearing	4721 SW 43 AVE	VISHAL RAJPAL & VEENA RAJPAL	Ricky Ali
2024-00000025	Active	H-FIRST HEARING - First Hearing	4731 SW 43 TER	JAMES R PAYNE	Ricky Ali
2024-00000074	Active	H-FIRST HEARING - First Hearing	SW 52 ST	INVAL LC	Ricky Ali
2024-00000127	Active	H-FIRST HEARING - First Hearing	4273 SW 51 ST	L & Z SERVICES INC	Ricky Ali

Special Magistrate Hearing

2024-00000128	Active	H-FIRST HEARING - First Hearing	4170 SW 49 CT	HAMMANDS, SHAKEISHA DENISE LAMAR, J'SHAWN	Ricky Ali
2024-00000129	Active	H-FIRST HEARING - First Hearing	4242 SW 49 CT	OMONIYI, EMMANUEL ADEDAMOLA JR	Ricky Ali
2024-00000163	Active	H-FIRST HEARING - First Hearing	420 NW 3 PL	ALL SPECIALISTS INC	Ricky Ali
2024-00000200	Active	H-FIRST HEARING - First Hearing	4071 SW 52 ST	DANIA 52 STREET INVESTMENT GROUP LLC	Ricky Ali
2024-00000201	Active	H-FIRST HEARING - First Hearing	4064 SW 52 ST	ALOUSH 1777 LLC	Ricky Ali
2024-00000209	Active	H-FIRST HEARING - First Hearing	3911-3913 SW 51 ST	ARIEL EDRY	Ricky Ali
2024-00000210	Active	H-FIRST HEARING - First Hearing	4313 SW 50 ST	ARIEL EDRY	Ricky Ali
2024-00000284	Active	H-FIRST HEARING - First Hearing	65 N BEACH RD	CITY OF DANIA BEACH	Sharina Gordon
2024-00000285	Active	H-FIRST HEARING - First Hearing	75 PARK AVE WEST	CITY PLACE APARTMENTS LTD	Sharina Gordon
2015-00001608	Active	H-ABATEMENT - Abatement Hearing	312 PHIPPEN RD	FIRST CHASE	Windy Damis
2022-00000309	Active	H-ABATEMENT - Abatement Hearing	3061 COVE DR	SMALL, CAROLINE LEARY	Windy Damis
2023-00001053	Active	H-EXTENSION - Extension Hearing	5020 SW 29 WAY	CALLAHAN,JOSEPHINE M POWELL	Windy Damis
2023-00001055	Active	H-ABATEMENT - Abatement Hearing	2897 LAKESHORE DR	MICHAEL N RUBIN TR AMAR, CLAUDE TRSTEE	Windy Damis
2023-00001287	Active	H-EXTENSION - Extension Hearing	3211 ROYAL PALM CT	PSARAS, GEORGIOS A	Windy Damis
2023-00001462	Active	H-FIRST HEARING - First Hearing	5544 PARK RD	GOZLAN, ERAN	Windy Damis
2023-00001469	Active	H-FIRST HEARING - First Hearing	5500 SW 25 WAY	KING, EUGENA A & KING, FORREST C EUGENA A KING LIV TR	Windy Damis
2023-00001470	Active	H-FIRST HEARING - First Hearing	5520 SW 25 WAY	NORMAND DUMAINE	Windy Damis
2023-00001509	Active	H-FIRST HEARING - First Hearing	5196 SW 27 TER AT&T	N & D HOLDING INC	Windy Damis

Special Magistrate Hearing

2023-00001516	Active	H-FIRST HEARING - First Hearing	4800 SW 28 TER	N & D HOLDING INC	Windy Damis
2023-00001542	Active	H-FIRST HEARING - First Hearing	4800 SW 28 TER	N & D HOLDING INC	Windy Damis
2023-00001557	Active	H-FIRST HEARING - First Hearing	5301 SW 29 WAY	KLEIN, LAURA	Windy Damis
2024-00000032	Active	H-FIRST HEARING - First Hearing	2630 E MARINA DR	REMEK, ROBERT SCHLICHTE, MARY JO	Windy Damis
2024-00000084	Active	H-FIRST HEARING - First Hearing	4885 SW 26 AVE	KHACHATRYAN, GRACHIK	Windy Damis
2024-00000114	Active	H-FIRST HEARING - First Hearing	4837 SW 28 AVE	JAMES & KAREN LLC	Windy Damis
2024-00000186	Active	H-FIRST HEARING - First Hearing	SW 32 TER	OAKBRIDGE PROP OWNERS ASSN INC % THE MMT PROFESSIONAL GROUP	Windy Damis
2024-00000187	Active	H-FIRST HEARING - First Hearing	4990 SW 31 TER	FRANCESCA DESIGNS INC	Windy Damis



MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, FEBRUARY 27, 2024 – 7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Mayor Ryan called the meeting to order at 7:07 p.m.

Present:

Mayor:	A. J. Ryan IV
Vice-Mayor:	Lori Lewellen
Commissioners:	Joyce L. Davis
	Tamara James
	Marco A. Salvino, Sr.
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Eve Boutsis
City Clerk:	Elora Riera, MMC

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ryan called for a moment of silence followed by the Pledge of Allegiance to the United States Flag.

3. PRESENTATIONS AND SPECIAL EVENT APPROVALS

3.1 Presentation on Traffic Enforcement Program

Jason Norton of Altumint provided a presentation on a traffic enforcement program.

Commissioner James commented that this would need to go through Broward Sheriff's Office.

Vice Mayor Lewellen inquired if this needed to go through the procurement process and City Manager Garcia responded that this would have to go through the procurement process.

3.2 CareerSource Broward - Summer Youth Employment Program - *Sponsored by Commissioner James*

This item was heard after item #3.5.

Commissioner James introduced the item.

Latema King of CareerSource Broward provided a presentation on the Summer Youth employment program and answered any questions.

3.3 Special Event Application - Tyler "Snoop" Huntley's Funday - *Parks and Recreation*

This item was heard after item #3.1.

City Manager Garcia commented that this has been reviewed and approved by all departments.

Commissioner James would like to ask Collins to use their parking space for this event.

Vice Mayor Lewellen made a motion to approve the application. The motion was seconded by Commissioner James which carried unanimously on voice vote.

Consensus for the Mayor to present a proclamation at the event.

3.4 Request for Proclamation Approval - Women's History Month - *Sponsored by Vice Mayor Lewellen*

Consensus to approve the proclamation request.

3.5 Retroactive Approval – Proclamation - Mount Zion AME Church Dania, 115th Anniversary – 2-25-2024 – *Sponsored by Mayor Ryan*

Consensus to approve the retroactive proclamation.

4. PROCLAMATIONS

None.

5. ADMINISTRATIVE REPORTS

5.1 City Manager

City Manager Garcia presented her managers report and touched on the following topics:

- Logo options for emails

Consensus from the Commission to approve the 120th logo in black lettering.

- Pioneer Magazine
- Budget
- Hiring of Deputy Parks and Recreation Director Franky Lazo
- RISE Library
- Camillus House Loving Soles Shoe Drive

Vice Mayor Lewellen requested to donate \$200 from her contingency funds for the purchase of shoes for the shoe drive. **Consensus from the Commission was received.**

5.2 City Attorney

City Attorney Boutsis had nothing to report.

5.3 City Clerk - Reminders

City Clerk Riera reminded the Commission of the following upcoming meetings:

- March 12, 2024 CRA Board Meeting - 5:30 p.m.
- March 12, 2024 City Commission Meeting - 7:00 p.m.
- March 26, 2024 City Commission Meeting - 7:00 p.m.

6. PUBLIC SAFETY REPORTS

Lieutenant Cooper gave an update on recent criminal activity in the City to include a shooting in the area of 600 SW 1st Street, a hit on the License Plate Reader of a stolen vehicle from the City, and homeless outreach. She noted Captain Tarala is currently in Tallahassee for a leadership course. Deputy Boris spoke about a license plate hit on the License Plate Reader of a stolen vehicle from the airport, resulting in the arrest of a convicted felon with multiple charges.

Fire Chief Pellecer gave an update on call volumes and departmental activities including the trip to Osage Ambulance Company. He noted he will schedule another Push-In Ceremony once the rebuild of the truck is complete.

7. CITIZENS' COMMENTS

The following spoke under citizens' comments:

- Charles Meekins – 2851 Ravenswood Road

8. CONSENT AGENDA

This item was heard after item 10.1.

Vice Mayor Lewellen made a motion to approve the consent agenda. The motion was seconded by Commissioner James which carried unanimously on voice vote.

8.1 Minutes: February 13, 2024 City Commission Meeting

Approved under consent agenda.

8.2 Travel Requests: None.

8.3 RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE AGREEMENT WITH UTILITY SERVICE PARTNERS, INC. (USP), D/B/A/ SERVICE LINE WARRANTIES OF AMERICA (SLWA), FOR ADVERTISEMENT TO THE CITY'S RESIDENTS OF WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES, EXTERNAL SEWER LINES, IN-HOME PLUMBING ON RESIDENTIAL PROPERTY, FOR AN INITIAL TERM OF THREE (3) YEARS, AND ONE ADDITIONAL RENEWAL YEAR THEREAFTER; PROVIDING FOR RECOGNITION OF THE PROGRAM AND A 10 PERCENT ANNUAL ROYALTY TO THE CITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Approved under consent agenda.

8.4 RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF LICENSE PLATE RECOGNITION CAMERAS, SOFTWARE, INFRASTRUCTURE, AND PROFESSIONAL SERVICES FROM MILLENNIUM PRODUCTS, INC. WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, UTILIZING FEDERAL GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT GS-07F-0031W; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.5 RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF AUDIO AND VIDEO PRODUCTION AND BROADCASTING EQUIPMENT AND PROFESSIONAL SERVICES FROM BIS DIGITAL, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, UTILIZING TIPS CONTRACT NO. 230901; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.6 RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CAREERSOURCE BROWARD ("CSBD") FOR A SUMMER YOUTH EMPLOYMENT PROGRAM; TO PROVIDE SUMMER EMPLOYMENT OPPORTUNITIES TO FOURTEEN (14) YOUTH RESIDENTS OF DANIA BEACH, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

Approved under consent agenda.

9. BIDS AND REQUESTS FOR PROPOSALS

None.

10. QUASI-JUDICIAL HEARINGS

10.1 RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR AN AMENDED BUDGET APPROPRIATION FOR FISCAL YEAR 2023-2024 IN THE GENERAL FUND AND INFORMATION TECHNOLOGY FUND; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.
(Finance)

This item was heard after item #7.

City Attorney Boutsis read the title of the ordinance.

Chief Financial Officer Frank DiPaolo introduced the item.

Commissioner James inquired about a gala in celebration of the 120th anniversary.

City Manager Garcia commented that they will be bringing a list at the next meeting which outlines the different events celebrating the City's 120th anniversary.

Discussion ensued amongst the Commission and staff regarding the events for the 120th anniversary.

Joanna Granett commented that the Dania Beach Historical Society met recently and discussed meeting with the City to coordinate a gala.

Vice Mayor Lewellen made a motion to approve the resolution. The motion was seconded by Commissioner Salvino which carried unanimously on voice vote.

11. FIRST READING ORDINANCES

11.1 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 12, ENTITLED, "FLOOD DAMAGE PREVENTION" OF THE CITY'S CODE OF ORDINANCES IN ORDER TO AMEND THE ELEVATION REQUIREMENTS FOR ALL NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS, STRUCTURES, MANUFACTURED HOMES AND FOR OTHER PURPOSES; AND ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION;

PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Director of Community Development Eleanor Norena introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.2 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF DANIA BEACH FUTURE LAND USE MAP AS A SMALL-SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ON PROPERTY LOCATED BETWEEN RAVENSWOOD ROAD AND SW 22ND AVENUE NORTH OF SW 42ND STREET, AS LEGALLY DESCRIBED IN EXHIBIT “A”, WHICH CONSISTS OF APPROXIMATELY 0.51 ACRES, CHANGING THE CURRENT FUTURE LAND USE DESIGNATION FROM (BROWARD COUNTY) COMMERCE CATEGORY TO (CITY) INDUSTRIAL CATEGORY; AND CHANGING THE FUTURE LAND USE DESIGNATION FROM (CITY OF HOLLYWOOD) RECREATION AND OPEN SPACE CATEGORY TO (CITY) PARKS AND RECREATION CATEGORY ON PROPERTY AS LEGALLY DESCRIBED IN EXHIBIT “B”, WHICH CONSISTS OF APPROXIMATELY 0.204 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments and the following spoke:

- David Reich - 4161 SW 22nd Avenue

Commissioner Davis requested clarification about the collector road and why the access point was placed on SW 22nd Avenue as opposed to SW 42nd Street and why it is 24-hour access opposed to 7:00 p.m. to 7:00 a.m. She questioned if there is any room for compromise.

City Attorney Boutsis responded that what is being asked is the site plan and that was approved in December. It has nothing to do with what is on the agenda tonight. Tonight is for the land use. The area is industrial, and any other designation other than industrial would be a spot zoning on this property. It is recommended to be consistent with State law, to make it industrial and the other item on tonight, is zoning, and that is the recommended motion of staff.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.3 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO ADOPT AN EVALUATION AND APPRAISAL ("EAR") REPORT BASED AMENDMENTS PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, WHICH PROVIDES FOR A COMPREHENSIVE UPDATE TO THE GOALS, OBJECTIVES, AND POLICIES OF ALL ELEMENTS, INCLUDING REVISED TEXT AND MAP AMENDMENTS NECESSARY TO UPDATE THE DATA AND ANALYSIS OF THE COMPREHENSIVE PLAN; PROVIDING THAT THE TEXT AND MAP AMENDMENTS SHALL REPLACE IN FULL THE EXISTING TEXT AND MAPS IN ALL AMENDED ELEMENTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Vice Mayor Lewellen made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner James which carried unanimously on voice vote.

11.4 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, "LAND DEVELOPMENT REGULATIONS", OF THE CITY CODE OF ORDINANCES, CREATING ARTICLE 206, "GREEN BUILDING DESIGN STANDARDS", AND CREATING SECTIONS 206.10 THROUGH 206-90, IMPLEMENTING THE GREEN BUILDING STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

11.5 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY FRANMAR PROPERTIES OF SOUTH FLORIDA LLC FOR PROPERTY LOCATED AT 2171, 2181, AND 2191 SW 42nd STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED AND INCOPORATE BY REFERENCE INTO THIS ORDINANCE, TO REZONE THE SUBJECT SITE FROM M-2 (GENERAL MANUFACTURING AND INDUSTRIAL, A BROWARD COUNTY ZONING DISTRICT, TO IROM-AA (INDUSTRIAL RESEARCH, OFFICE AND MARINE DISTRICT AND INDUSTRIAL RESEARCH, OFFICE AND MARINE AIRPORT APPROACH DISTRICT) (APPLICATION NO. RZ-081-23), A CITY OF DANIA BEACH ZONING DISTRICT, SUBJECT TO CERTAIN RESTRICTIONS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Planning and Zoning Manager Viviana Batista introduced the item.

Commissioner James asked if the surrounding properties are zoned the same and Planning and Zoning Manager Viviana Batista responded that what they are asking for matches the land use designation and the zoning district request.

Mayor Ryan opened the floor to public comments and the following spoke:

- David Reich - 4161 SW 22nd Avenue
- Leigh Kerr - 808 E Las Olas

Deputy Director Corinne Lajoie clarified that there are different zoning districts in this area. The zoning that is currently there is M2, which is an Industrial Zoning District with the county. They are changing it from County Industrial to the City’s Industrial Zoning District. Mr. Reich’s property to the north and west remains Residential from years ago. There is industrial in the area and the land use designation for the property in that area is also industrial.

Commissioner James asked if this is the only residential property in the area and Deputy Director Lajoie responded yes.

Commissioner Davis asked for clarification on what was put in place for buffers so that Mr. Reich does not see the parking spaces from his property and Mr. Kerr responded that the site plan, lighting, and landscaping meets the City Code. The trees must meet FPL standards, but they will still have a shield of visibility from his property.

Vice Mayor Lewellen made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner James which carried unanimously on voice vote.

11.6 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 22, OF THE CITY CODE OF ORDINANCES, WHICH

CHAPTER IS ENTITLED “STREETS AND SIDEWALKS” AT ARTICLE I, ENTITLED “IN GENERAL” BY AMENDING SECTION 22-7A IN ORDER TO MODIFY THE PETITION REQUIREMENTS, PROVIDING FOR A PENALTY FOR FALSE PETITIONS; PROVIDING FOR ONE APPLICATION, PER YEAR; AND MODIFYING COST COVERAGE BY PETITIONERS TO HAVE THE CITY COVER THE COSTS ASSOCIATED WITH THE PROCESS AND INSTALLATION OF CODESIGNATION SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan would not want to restrict to one application per year and Commissioner James was in favor of striking it.

Mayor Ryan asked for clarification on payment for the street signs and Commissioner James responded that it would be the same process that the city used for other renaming of facilities and streets.

Vice Mayor Lewellen provided the costs involved for street signs and custom signage for the park renaming and commented that she feels that the applicant should be responsible for the costs involved.

Commissioner James commented that she wants it to be consistent city wide.

Commissioner Davis does not have an issue with the city incurring the minor costs for those designations.

Mayor Ryan suggested putting a cap on the costs such as \$10,000.00.

Commissioner James was in favor of the cap amount.

Commissioner James made a motion to approve the ordinance on first reading with the amendment to strike the one application per year.

Mayor Ryan opened the floor to public comments and the following spoke:

- Red Darling - Address not provided

The motion was seconded by Commissioner Davis which carried 4-1 on roll call vote with Vice Mayor Lewellen voting no.

11.7 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 20, ENTITLED “POLICE” OF THE CITY’S CODE OF ORDINANCES, ARTICLE IV, ENTITLED “WRECKER AND TOWING SERVICES,” TO AMEND AND UPDATE THE TOW TRUCK LIST REQUIREMENTS AND LOCATION OF THE GARAGE TO WITHIN THE CITY LIMITS OF DANIA BEACH; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Ryan)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

12. SECOND READING ORDINANCES

None.

13. DISCUSSION AND POSSIBLE ACTION

13.1 RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND TPS9, LLC, FOR THE TRANSFER OF TITLE OF THE HISTORIC STRUCTURE, THE A.C. FROST HOME, LOCATED AT 158 NORTH FEDERAL HIGHWAY, DANIA BEACH, FLORIDA AND TO MOVE SAME; WITH THE COST FOR MOVING THE STRUCTURE TO BE INCURRED OUT OF THE CITY'S GENERAL FUND CONTINGENCY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Ryan)*

City Attorney Boutsis read the title of the resolution.

Mayor Ryan introduced the item.

Joanna Granett provided historical information on the A.C. Frost home.

Discussion ensued amongst the Commission and City staff regarding the costs associated with the property and time involved for relocation or historic restoration.

Mayor Ryan opened the floor to public comments and the following spoke:

Ted Kay – 355 SW 2nd Avenue
Derrick Hankerson – 746 SW 3rd Street

Commissioner Davis motioned to continue the item to the March 26th Commission meeting with more analysis on the costs involved, the timeline, and for discussion with the developer. Commissioner Salvino seconded the motion which carried unanimously on voice vote.

13.2 Collins Elementary School 65th Anniversary Parade – *Sponsored by Commissioner James*

Commissioner James introduced the item.

Principal Jackson would like to hold a small parade for the students marking the Anniversary of Collins Elementary School on March 19th from 8:30 a.m. to 9:30 a.m. It will be approximately 325 people including staff. Principal Jackson is requesting assistance with road closures, BSO and permits. Commissioner James is requesting support from the Commission to utilize \$5,000.00 from the Commission contingency to assist with the parade.

Commission consensus was received.

14. APPOINTMENTS

None.

15. COMMISSION COMMENTS

15.1 Commissioner Davis

Commissioner Davis spoke about the Black History month events that she attended this month and noted that she would love to see the City do something for Black History month. She is seeking consensus from the Commission to utilize \$5,000.00 of the Commission contingency for a table sponsorship at the Broward League of Cities 67th Annual Gala at Margaritaville. Commission consensus was received.

15.2 Commissioner James

Commissioner James expressed her disappointment with what the City has done for Black History month over the last several years. She would like to see Black History month has some significance of events in the City.

15.3 Commissioner Salvino

Commissioner Salvino spoke about the Linear Park Renaming & Sign Unveiling Ceremony in honor of William “Bill” Harris. He encouraged all who missed it to come out and see the new signage at the park.

15.4 Vice-Mayor Lewellen

Vice Mayor Lewellen had nothing to report.

15.5 Mayor Ryan

Mayor Ryan spoke about bringing back the Tomato Festival.

There was discussion amongst the Commission regarding the Tomato Festival and the history of the event.

Commission consensus was received to look into it for an event in the future.

16. ADJOURNMENT

Mayor Ryan adjourned the meeting at 11:02 p.m.

ATTEST:

CITY OF DANIA BEACH

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

Approved:



City of Dania Beach Public Services Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Fernando Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E. Deputy Director/City Engineer

**SUBJECT: APPROVAL OF AGREEMENT – FLORIDA DEPARTMENT OF
TRANSPORTATION – NW 1ST STREET IMPROVEMENTS PROJECT**

Request:

The Public Services Department (PSD) requests the approval to enter into an agreement with the Florida Department of Transportation (FDOT) for a Streetscape Beautification Project on NW 1st Street, from Bryan Road to State Road 5/US 1.

Background:

The goal of this project is to enhance the visual appearance and pedestrian safety along the corridor. PSD seeks commission approval for a funding agreement, under which FDOT will reimburse the city up to \$360,264.00 for project-related expenses as detailed in the design services agreement. The project will provide sidewalk improvements, bike lanes, and pedestrian amenities to create a more attractive and safer street. This will be a great benefit to the neighborhood as SW 1st St is the main pedestrian road between US1 and Dania Point.

The funding agreement is specifically for the design phase of the project. After the design is complete, there will be an agreement that will stipulate the details of the construction phase, which will also be eligible for grant funding. The estimated cost for the design phase of the project is \$360,264. FDOT has agreed to cover costs up to this amount, and the City will be responsible for any costs exceeding.

Budgetary Impact

Financial assistance from FDOT totaling \$360,264 for the design phase will be invoiced as the project progresses. Any amount beyond the FDOT commitment funding (if applicable) will be borne by the City; therefore, this cannot be estimated at this time.

Recommendation

PSD recommends approval entering into the agreement with FDOT for the Streetscape Beautification Project on NW 1st Street.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RECEIPT OF GRANT FUNDING FOR THE STREETSCAPE BEAUTIFICATION PROJECT ON NW 1ST STREET, FROM BRYAN ROAD TO STATE ROAD 5/US 1, TO PROVIDE FOR FUNDING FOR SIDEWALK, AND ROADWAY IMPROVEMENTS, AS WELL AS PEDESTRIAN AMENITIES IN THE AMOUNT OF THREE HUNDRED SIXTY-THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS (\$360,264.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Services Department (PSD) has identified the need for roadway and sidewalk improvements along NW 1st Street from Bryan Road to State Road 5/US 1, and is therefore pursuing a streetscape beautification project along this corridor; and

WHEREAS, the project entails sidewalk improvements, and the addition of bike lanes and pedestrian amenities; and

WHEREAS, the Florida Department of Transportation (FDOT) has agreed to reimburse the City of Dania Beach up to \$360,264.00 for project-related expenses associated with the design phase of this project.

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

Section 1. That the above “Whereas” clauses are ratified and confirmed as a part of and incorporated into this Resolution by this reference.

Section 2. That the proper City officials are authorized to enter into an agreement with the Florida Department of Transportation (FDOT) for the receipt of grant funding in the amount of Three Hundred Sixty-Thousand Two Hundred Sixty-Four Dollars (\$360,264.00) for the Streetscape Beautification Project on NW 1st Street.

Section 3. That the City Manager and City Attorney are authorized to make minor revisions to the agreements which are deemed necessary and proper and in the best interest of the City and to execute extensions that do not alter costs or scope of the agreement.

Section 4. That funding will be appropriated within the Grant Fund, with the city responsible for any costs exceeding the agreed amount and managing any deficits that may arise during the project's completion.

Section 5. That the City Commission authorizes PSD to proceed with the Streetscape Beautification Project, with the understanding that a later agreement will detail the construction phase, which will also be eligible for grant funding.

Section 6. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 7. That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

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FPN: 443949-1-38-01	FPN: _____	FPN: _____
Federal No (FAIN): <u>D423-005-B</u>	Federal No (FAIN): _____	Federal No (FAIN): _____
Federal Award Date: _____	Federal Award Date: _____	Federal Award Date: _____
Fund: _____	Fund: _____	Fund: _____
Org Code: <u>55043010404</u>	Org Code: _____	Org Code: _____
FLAIR Approp: _____	FLAIR Approp: _____	FLAIR Approp: _____
FLAIR Obj: _____	FLAIR Obj: _____	FLAIR Obj: _____
County No: <u>86</u>	Contract No: <u>G2T76</u>	
Recipient Vendor No: <u>F596000302002</u>	Recipient Unique Entity ID SAM No: <u>U56KXBHZUBK9</u>	

Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction

THIS LOCAL AGENCY PROGRAM AGREEMENT ("Agreement"), is entered into on _____, by and between the State of Florida Department of Transportation, an agency
(This date to be entered by DOT only)
of the State of Florida ("Department"), and City of Dania Beach ("Recipient").

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the Parties agree to the following:

1. **Authority:** The Department is authorized to enter into this Agreement pursuant to Section 339.12, Florida Statutes. The Recipient by Resolution or other form of official authorization, a copy of which is attached as **Exhibit "D"** and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf.
2. **Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in NW 1st Street from Bryan Road to State Road 5/ US 1, as further described in **Exhibit "A"**, Project Description and Responsibilities attached to and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Recipient; state the terms and conditions upon which Department funds will be provided; and to set forth the manner in which the Project will be undertaken and completed.
3. **Term of Agreement:** The Recipient agrees to complete the Project on or before December 31st, 2025. If the Recipient does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Recipient and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the term of this Agreement will not be reimbursed by the Department.
4. **Project Cost:**
 - a. The estimated cost of the Project is \$ 360,264.00. This amount is based upon the Schedule of Financial Assistance in **Exhibit "B"**, attached to and incorporated in this Agreement. **Exhibit "B"** may be modified by mutual execution of an amendment as provided for in paragraph 5.i.
 - b. The Department agrees to participate in the Project cost up to the maximum amount of \$360,264.00 and as more fully described in **Exhibit "B"**. This amount includes Federal-aid funds which are limited to the actual amount of Federal-aid participation. The Department's participation may be increased or reduced upon determination of the actual bid amounts of the Project by the mutual execution of an amendment. The Recipient agrees to bear all expenses in excess of the total cost of the Project and any deficits incurred in connection with the completion of the Project.
 - c. Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:

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- i. Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;
- ii. Availability of funds as stated in paragraphs 5.l. and 5.m. of this Agreement;
- iii. Approval of all plans, specifications, contracts or other obligating documents and all other terms of this Agreement; and
- iv. Department approval of the Project scope and budget at the time appropriation authority becomes available.

5. Requisitions and Payments

- a. The Recipient shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The Project and the quantifiable, measurable, and verifiable units of deliverables are described more fully in **Exhibit "A"**.
 - b. Invoices shall be submitted by the Recipient in detail sufficient for a proper pre-audit and post-audit based on the quantifiable, measurable and verifiable units of deliverables as established in **Exhibit "A"**. Deliverables must be received and accepted in writing by the Department's Project Manager prior to payments. Requests for reimbursement by the Recipient shall include an invoice, progress report and supporting documentation for the period of services being billed that are acceptable to the Department. The Recipient shall use the format for the invoice and progress report that is approved by the Department.
 - c. The Recipient shall charge to the Project account all eligible costs of the Project except costs agreed to be borne by the Recipient or its contractors and subcontractors. Costs in excess of the programmed funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs. All costs charged to the Project, including any approved services contributed by the Recipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.
 - d. Supporting documentation must establish that the deliverables were received and accepted in writing by the Recipient and must also establish that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in **Exhibit "A"** was met. All costs invoiced shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of charges as described in **Exhibit "F"**, Contract Payment Requirements.
 - e. Bills for travel expenses specifically authorized in this Agreement shall be submitted on the Department's Contractor Travel Form No. 300-000-06 and will be paid in accordance with Section 112.061, Florida Statutes and the most current version of the Disbursement Handbook for Employees and Managers.
 - f. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes.
- ☐ If this box is selected, advance payment is authorized for this Agreement and **Exhibit "H"**, Alternative Advance Payment Financial Provisions is attached and incorporated into this Agreement.

If the Department determines that the performance of the Recipient is unsatisfactory, the Department shall notify the Recipient of the deficiency to be corrected, which correction shall be made within a time-frame to be specified by the Department. The Recipient shall, within thirty (30) days after notice from the Department, provide the Department with a corrective action plan describing how the Recipient will address all issues of contract non-performance, unacceptable performance, failure to meet the minimum performance levels, deliverable deficiencies, or contract non-compliance. If the corrective action plan is unacceptable to the

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Department, the Recipient will not be reimbursed to the extent of the non-performance. The Recipient will not be reimbursed until the Recipient resolves the deficiency. If the deficiency is subsequently resolved, the Recipient may bill the Department for the unpaid reimbursement request(s) during the next billing period. If the Recipient is unable to resolve the deficiency, the funds shall be forfeited at the end of the Agreement's term.

- g. Agencies providing goods and services to the Department should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than 20 days from the Department's receipt of the invoice. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected, and approved.

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to **Section 55.03(1), F.S.**, will be due and payable, in addition to the invoice amount, to the Recipient. Interest penalties of less than one (1) dollar will not be enforced unless the Recipient requests payment. Invoices that have to be returned to an Recipient because of Recipient preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Agencies who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

- h. The Recipient shall maintain an accounting system or separate accounts to ensure funds and projects are tracked separately. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Recipient's general accounting records and the project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the project, and all other records of the Contractor and subcontractors considered necessary by the Department for a proper audit of costs.
- i. Prior to the execution of this Agreement, a Project schedule of funding shall be prepared by the Recipient and approved by the Department. The Recipient shall maintain said schedule of funding, carry out the Project, and shall incur obligations against and make disbursements of Project funds only in conformity with the latest approved schedule of funding for the Project. The schedule of funding may be revised by execution of a Local Agency Program ("LAP") Supplemental Agreement between the Department and the Recipient. The Recipient acknowledges and agrees that funding for this project may be reduced upon determination of the Recipient's contract award amount.
- j. If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Recipient owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.
- k. The Recipient must submit the final invoice on the Project to the Department within 120 days after the completion of the Project. Invoices submitted after the 120-day time period may not be paid.
- l. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See **Exhibit "B"** for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Recipient, in writing, when funds are available.
- m. In the event this Agreement is in excess of \$25,000 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

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"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year."

6. Department Payment Obligations:

Subject to other provisions of this Agreement, the Department will honor requests for reimbursement to the Recipient pursuant to this Agreement. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment if:

- a. The Recipient shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;
- b. There is any pending litigation with respect to the performance by the Recipient of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement or payments to the Project;
- c. The Recipient shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made a related expenditure or incurred related obligations without having been advised by the Department that same are approved;
- d. There has been any violation of the conflict of interest provisions contained in paragraph 14.f.; or
- e. The Recipient has been determined by the Department to be in default under any of the provisions of the Agreement.

The Department may suspend or terminate payment for that portion of the Project which the Federal Highway Administration ("FHWA"), or the Department acting in lieu of FHWA, may designate as ineligible for Federal-aid.

In determining the amount of the payment, the Department will exclude all Project costs incurred by the Recipient prior to the Department's issuance of a Notice to Proceed ("NTP"), costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding in **Exhibit "B"** for the Project, costs agreed to be borne by the Recipient or its contractors and subcontractors for not meeting the Project commencement and final invoice time lines, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

7. General Requirements:

The Recipient shall complete the Project with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions in this Agreement, and all applicable laws. The Project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's **Local Agency Program Manual** (FDOT Topic No. 525-010-300), which by this reference is made a part of this Agreement. Time is of the essence as to each and every obligation under this Agreement.

- a. A full time employee of the Recipient, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in responsible charge of the Project, which employee should be able to perform the following duties and functions:
 - i. Administers inherently governmental project activities, including those dealing with cost, time,

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- adherence to contract requirements, construction quality and scope of Federal-aid projects;
- ii. Maintains familiarity of day to day Project operations, including Project safety issues;
 - iii. Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
 - iv. Visits and reviews the Project on a frequency that is commensurate with the magnitude and complexity of the Project;
 - v. Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - vi. Directs Project staff, agency or consultant, to carry out Project administration and contract oversight, including proper documentation;
 - vii. Is aware of the qualifications, assignments and on-the-job performance of the Recipient and consultant staff at all stages of the Project.
- b. Once the Department issues the NTP for the Project, the Recipient shall be obligated to submit an invoice or other request for reimbursement to the Department no less than once every 90 days (quarterly), beginning from the day the NTP is issued. If the Recipient fails to submit quarterly invoices to the Department, and in the event the failure to timely submit invoices to the Department results in the FHWA removing any unbilled funding or the loss of state appropriation authority (which may include the loss of state and federal funds, if there are state funds programmed to the Project), then the Recipient will be solely responsible to provide all funds necessary to complete the Project and the Department will not be obligated to provide any additional funding for the Project. The Recipient waives the right to contest such removal of funds by the Department, if the removal is related to FHWA's withdrawal of funds or if the removal is related to the loss of state appropriation authority. In addition to the loss of funding for the Project, the Department will also consider the de-certification of the Recipient for future LAP Projects. No cost may be incurred under this Agreement until after the Recipient has received a written NTP from the Department. The Recipient agrees to advertise or put the Project out to bid thirty (30) days from the date the Department issues the NTP to advertise the Project. If the Recipient is not able to meet the scheduled advertisement, the Department District LAP Administrator should be notified as soon as possible.
- c. If all funds are removed from the Project, including amounts previously billed to the Department and reimbursed to the Recipient, and the Project is off the State Highway System, then the Department will have to request repayment for the previously billed amounts from the Recipient. No state funds can be used on off-system projects, unless authorized pursuant to **Exhibit "I"**, State Funds Addendum, which will be attached to and incorporated in this Agreement in the event state funds are used on the Project.
- d. In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is required under applicable law to enable the Recipient to enter into this Agreement or to undertake the Project or to observe, assume or carry out any of the provisions of the Agreement, the Recipient will initiate and consummate, as provided by law, all actions necessary with respect to any such matters.
- e. The Recipient shall initiate and prosecute to completion all proceedings necessary, including Federal-aid requirements, to enable the Recipient to provide the necessary funds for completion of the Project.
- f. The Recipient shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department and FHWA may require. The Recipient shall make such submissions using Department-designated information systems.
- g. Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable federal and state laws, the regulations in 23 Code of Federal Regulations (C.F.R.) and 49 C.F.R., and policies and procedures prescribed by the Division Administrator of FHWA. Federal funds shall not be paid on account of any cost incurred prior to authorization by FHWA to the Department to proceed with the Project or part thereof involving such cost (23 C.F.R. 1.9 (a)). If FHWA or the Department determines that any amount

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claimed is not eligible, federal participation may be approved in the amount determined to be adequately supported and the Department shall notify the Recipient in writing citing the reasons why items and amounts are not eligible for federal participation. Where correctable non-compliance with provisions of law or FHWA requirements exists federal funds may be withheld until compliance is obtained. Where non-compliance is not correctable, FHWA or the Department may deny participation in parcel or Project costs in part or in total. For any amounts determined to be ineligible for federal reimbursement for which the Department has advanced payment, the Recipient shall promptly reimburse the Department for all such amounts within 90 days of written notice.

- h. For any project requiring additional right-of-way, the Recipient must submit to the Department an annual report of its real property acquisition and relocation assistance activities on the project. Activities shall be reported on a federal fiscal year basis, from October 1 through September 30. The report must be prepared using the format prescribed in 49 C.F.R. Part 24, Appendix B, and be submitted to the Department no later than October 15 of each year.

8. Audit Reports:

The administration of resources awarded through the Department to the Recipient by this Agreement may be subject to audits and/or monitoring by the Department. The following requirements do not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of federal awards or limit the authority of any state agency inspector general, the State of Florida Auditor General, or any other state official. The Recipient shall comply with all audit and audit reporting requirements as specified below.

- a. In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, monitoring procedures may include, but not be limited to, on-site visits by Department staff and/or other procedures including, reviewing any required performance and financial reports, following up, ensuring corrective action, and issuing management decisions on weaknesses found through audits when those findings pertain to federal awards provided through the Department by this Agreement. By entering into this Agreement, the Recipient agrees to comply and cooperate fully with any monitoring procedures/processes deemed appropriate by the Department. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, State of Florida Chief Financial Officer (“CFO”), or State of Florida Auditor General.
- b. The Recipient, a non-federal entity as defined by 2 CFR Part 200, as a subrecipient of a federal award awarded by the Department through this Agreement is subject to the following requirements:
 - i. In the event the Recipient expends a total amount of federal awards equal to or in excess of the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, the Recipient must have a federal single or program-specific audit for such fiscal year conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements. **Exhibit “E”** to this Agreement provides the required federal award identification information needed by the Recipient to further comply with the requirements of 2 CFR Part 200, Subpart F – Audit Requirements. In determining federal awards expended in a fiscal year, the Recipient must consider all sources of federal awards based on when the activity related to the federal award occurs, including the federal award provided through the Department by this Agreement. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR Part 200, Subpart F – Audit Requirements. An audit conducted by the State of Florida Auditor General in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, will meet the requirements of this part.
 - ii. In connection with the audit requirements, the Recipient shall fulfill the requirements relative to the auditee responsibilities as provided in 2 CFR Part 200, Subpart F – Audit Requirements.

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- iii. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards, the Recipient is exempt from federal audit requirements for that fiscal year. However, the Recipient must provide a single audit exemption statement to the Department at FDOTSingleAudit@dot.state.fl.us no later than nine months after the end of the Recipient's audit period for each applicable audit year. In the event the Recipient expends less than the threshold established by 2 CFR Part 200, Subpart F – Audit Requirements, in federal awards in a fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F – Audit Requirements, the cost of the audit must be paid from non-federal resources (*i.e.*, the cost of such an audit must be paid from the Recipient's resources obtained from other than federal entities).
- iv. The Recipient must electronically submit to the Federal Audit Clearinghouse (“FAC”) at <https://harvester.census.gov/facweb/> the audit reporting package as required by 2 CFR Part 200, Subpart F – Audit Requirements, within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The FAC is the repository of record for audits required by 2 CFR Part 200, Subpart F – Audit Requirements, and this Agreement. However, the Department requires a copy of the audit reporting package also be submitted to FDOTSingleAudit@dot.state.fl.us within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period as required by 2 CFR Part 200, Subpart F – Audit Requirements.
- v. Within six months of acceptance of the audit report by the FAC, the Department will review the Recipient's audit reporting package, including corrective action plans and management letters, to the extent necessary to determine whether timely and appropriate action on all deficiencies has been taken pertaining to the federal award provided through the Department by this Agreement. If the Recipient fails to have an audit conducted in accordance with 2 CFR Part 200, Subpart F – Audit Requirements, the Department may impose additional conditions to remedy noncompliance. If the Department determines that noncompliance cannot be remedied by imposing additional conditions, the Department may take appropriate actions to enforce compliance, which actions may include but not be limited to the following:
 - 1. Temporarily withhold cash payments pending correction of the deficiency by the Recipient or more severe enforcement action by the Department;
 - 2. Disallow (deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
 - 3. Wholly or partly suspend or terminate the federal award;
 - 4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of the Department, recommend such a proceeding be initiated by the federal awarding agency);
 - 5. Withhold further federal awards for the Project or program;
 - 6. Take other remedies that may be legally available.
- vi. As a condition of receiving this federal award, the Recipient shall permit the Department or its designee, the CFO, or State of Florida Auditor General access to the Recipient's records including financial statements, the independent auditor's working papers, and project records as necessary. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is complete or the dispute is resolved.
- vii. The Department's contact information for requirements under this part is as follows:

Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0450
FDOTSingleAudit@dot.state.fl.us
- c. The Recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date the audit report is issued and shall allow the Department or its designee, the CFO, or State of Florida Auditor General access to such records upon request. The Recipient shall ensure that the audit working papers are made available to the Department or its designee, the CFO, or State of Florida Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Department.

9. Termination or Suspension of Project:

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The Department may, by written notice to the Recipient, suspend any or all of the Department's obligations under this Agreement for the Recipient's failure to comply with applicable law or the terms of this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected.

- a. If the Department intends to terminate the Agreement, the Department shall notify the Recipient of such termination in writing at least thirty (30) days prior to the termination of the Agreement, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.
- b. The Parties to this Agreement may terminate this Agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the Parties shall agree upon the termination conditions.
- c. If the Agreement is terminated before performance is completed, the Recipient shall be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed the equivalent percentage of the Department's maximum financial assistance. If any portion of the Project is located on the Department's right-of-way, then all work in progress on the Department right-of-way will become the property of the Department and will be turned over promptly by the Recipient.
- d. In the event the Recipient fails to perform or honor the requirements and provisions of this Agreement, the Recipient shall promptly refund in full to the Department within thirty (30) days of the termination of the Agreement any funds that were determined by the Department to have been expended in violation of the Agreement.
- e. The Department reserves the right to unilaterally cancel this Agreement for failure by the Recipient to comply with the Public Records provisions of Chapter 119, Florida Statutes.

10. Contracts of the Recipient:

- a. Except as otherwise authorized in writing by the Department, the Recipient shall not execute any contract or obligate itself in any manner requiring the disbursement of Department funds, including consultant or construction contracts or amendments thereto, with any third party with respect to the Project without the written approval of the Department. Failure to obtain such approval shall be sufficient cause for nonpayment by the Department. The Department specifically reserves the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of such consultant or contractor.
- b. It is understood and agreed by the parties to this Agreement that participation by the Department in a project with the Recipient, where said project involves a consultant contract for engineering, architecture or surveying services, is contingent on the Recipient's complying in full with provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act, the federal Brooks Act, 23 C.F.R. 172, and 23 U.S.C. 112. At the discretion of the Department, the Recipient will involve the Department in the consultant selection process for all projects funded under this Agreement. In all cases, the Recipient shall certify to the Department that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act and the federal Brooks Act.
- c. The Recipient shall comply with, and require its consultants and contractors to comply with applicable federal law pertaining to the use of Federal-aid funds. The Recipient shall comply with the provisions in the FHWA-1273 form as set forth in **Exhibit "G"**, FHWA 1273 attached to and incorporated in this Agreement. The Recipient shall include FHWA-1273 in all contracts with contractors performing work on the Project.
- d. The Recipient shall require its consultants and contractors to take emergency steps to close any public road whenever there is a risk to life, health and safety of the travelling public. The safety of the travelling public is the Department's first priority for the Recipient. If lane or road closures are required by the LA to ensure the life, health, and safety of the travelling public, the LA must notify the District Construction Engineer and District Traffic Operations Engineer immediately once the travelling public are not at imminent risk. The Department expects professional engineering judgment be applied in all aspects of locally delivered projects. Defect management and supervision of LAP project structures components must be

proactively managed, monitored, and inspected by department prequalified structures engineer(s). The District Construction Engineer must be notified immediately of defect monitoring that occurs in LAP project construction, whether or not the defects are considered an imminent risk to life, health, or safety of the travelling public. When defects, including but not limited to, structural cracks, are initially detected during bridge construction, the engineer of record, construction engineering inspector, design-build firm, or local agency that owns or is responsible for the bridge construction has the authority to immediately close the bridge to construction personnel and close the road underneath. The LA shall also ensure compliance with the CPAM, Section 9.1.8 regarding actions for maintenance of traffic and safety concerns.

11. Disadvantaged Business Enterprise (DBE) Policy and Obligation:

It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement.

The Recipient and its contractors agree to ensure that DBE's have the opportunity to participate in the performance of this Agreement. In this regard, all recipients and contractors shall take all necessary and reasonable steps in accordance with applicable federal and state laws and regulations to ensure that the DBE's have the opportunity to compete for and perform contracts. The Recipient and its contractors and subcontractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts, entered pursuant to this Agreement.

12. Compliance with Conditions and Laws:

The Recipient shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project. Execution of this Agreement constitutes a certification that the Recipient is in compliance with, and will require its contractors and subcontractors to comply with, all requirements imposed by applicable federal, state, and local laws and regulations, including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," in 49 C.F.R. Part 29, and 2 C.F.R. Part 200 when applicable.

13. Performance Evaluations:

Recipients are evaluated on a project-by-project basis. The evaluations provide information about oversight needs and provide input for the recertification process. Evaluations are submitted to the Recipient's person in responsible charge or designee as part of the Project closeout process. The Department provides the evaluation to the Recipient no more than 30 days after final acceptance.

- a. Each evaluation will result in one of three ratings. A rating of Unsatisfactory Performance means the Recipient failed to develop the Project in accordance with applicable federal and state regulations, standards and procedures, required excessive District involvement/oversight, or the Project was brought in-house by the Department. A rating of Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, with minimal District involvement/oversight. A rating of Above Satisfactory Performance means the Recipient developed the Project in accordance with applicable federal and state regulations, standards and procedures, and the Department did not have to exceed the minimum oversight and monitoring requirements identified for the project.
- b. The District will determine which functions can be further delegated to Recipients that continuously earn Satisfactory and Above Satisfactory evaluations.

14. Restrictions, Prohibitions, Controls, and Labor Provisions:

During the performance of this Agreement, the Recipient agrees as follows, and agrees to require its contractors and subcontractors to include in each subcontract the following provisions:

- a. The Recipient will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by the Recipient pursuant thereto. The Recipient shall include the attached **Exhibit "C"**, Title VI Assurances in all contracts

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with consultants and contractors performing work on the Project that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.

- b. The Recipient will comply with all the requirements as imposed by the ADA, the regulations of the Federal Government issued thereunder, and assurance by the Recipient pursuant thereto.
- c. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.
- d. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List, kept by the Florida Department of Management Services, may not submit a bid on a contract to provide goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and may not transact business with any public entity.
- e. An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Recipient.
- f. Neither the Recipient nor any of its contractors or their subcontractors shall enter into any contract, subcontract or arrangement in connection with the Project or any property included or planned to be included in the Project in which any member, officer or employee of the Recipient or the locality during tenure or for 2 years thereafter has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of tenure any such interest, and if such interest is immediately disclosed to the Recipient, the Recipient, with prior approval of the Department, may waive the prohibition contained in this paragraph provided that any such present member, officer or employee shall not participate in any action by the Recipient or the locality relating to such contract, subcontract or arrangement. The Recipient shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer or employee of the Recipient or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

The provisions of this paragraph shall not be applicable to any agreement between the Recipient and its fiscal depositories or to any agreement for utility services the rates for which are fixed or controlled by a governmental agency.

- g. No member or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

15. Indemnification and Insurance:

- a. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof, a third-party beneficiary under this Agreement, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The Recipient guarantees the payment of all just claims for materials, supplies, tools, or labor and other just claims against the Recipient or any subcontractor, in connection with this Agreement.

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- b. To the extent provided by law, Recipient shall indemnify, defend, and hold harmless the Department against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of Recipient, or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Recipient hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. The foregoing indemnification shall not constitute a waiver of the Department's or Recipient's sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by Recipient to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or for the acts of third parties. Nothing herein shall be construed as consent by Recipient to be sued by third parties in any manner arising out of this Agreement. This indemnification shall survive the termination of this Agreement.
- c. Recipient agrees to include the following indemnification in all contracts with contractors, subcontractors, consultants, or subconsultants (each referred to as "Entity" for the purposes of the below indemnification) who perform work in connection with this Agreement:

"To the extent provided by law, [ENTITY] shall indemnify, defend, and hold harmless the [RECIPIENT] and the State of Florida, Department of Transportation, including the Department's officers, agents, and employees, against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of [ENTITY], or any of its officers, agents, or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by [ENTITY].

The foregoing indemnification shall not constitute a waiver of the Department's or [RECIPIENT]'s sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify [RECIPIENT] for the negligent acts or omissions of [RECIPIENT], its officers, agents, or employees, or third parties. Nor shall the same be construed to constitute agreement by [ENTITY] to indemnify the Department for the negligent acts or omissions of the Department, its officers, agents, or employees, or third parties. This indemnification shall survive the termination of this Agreement."

- d. The Recipient shall, or cause its contractor or consultant to carry and keep in force, during the term of this Agreement, a general liability insurance policy or policies with a company or companies authorized to do business in Florida, affording public liability insurance with combined bodily injury limits of at least \$200,000 per person and \$300,000 each occurrence, and property damage insurance of at least \$200,000 each occurrence, for the services to be rendered in accordance with this Agreement. The Recipient shall also, or cause its contractor or consultant to carry and keep in force Workers' Compensation Insurance as required by the State of Florida under the Workers' Compensation Law. With respect to any general liability insurance policy required pursuant to this Agreement, all such policies shall be issued by companies licensed to do business in the State of Florida. The Recipient shall provide to the Department certificates showing the required coverage to be in effect with endorsements showing the Department to be an additional insured prior to commencing any work under this Agreement. Policies that include Self Insured Retention will not be accepted. The certificates and policies shall provide that in the event of any material change in or cancellation of the policies reflecting the required coverage, thirty days advance notice shall be given to the Department or as provided in accordance with Florida law.

16. Maintenance Obligations: In the event the Project includes construction then the following provisions are incorporated into this Agreement:

- a. The Recipient agrees to maintain any portion of the Project not located on the State Highway System constructed under this Agreement for its useful life. If the Recipient constructs any improvement on Department right-of-way, the Recipient

☐ shall

☒ shall not

maintain the improvements located on the Department right-of-way for their useful life. If the Recipient is required to maintain Project improvements located on the Department right-of-way beyond final acceptance, then Recipient shall, prior to any disbursement of the state funding provided under this

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Agreement, also execute a Maintenance Memorandum of Agreement in a form that is acceptable to the Department. The Recipient has agreed to the foregoing by resolution, and such resolution is attached and incorporated into this Agreement as **Exhibit "D"**. This provision will survive termination of this Agreement.

17. Miscellaneous Provisions:

- a. The Recipient will be solely responsible for compliance with all applicable environmental regulations, for any liability arising from non-compliance with these regulations, and will reimburse the Department for any loss incurred in connection therewith. The Recipient will be responsible for securing any applicable permits. The Recipient shall include in all contracts and subcontracts for amounts in excess of \$150,000, a provision requiring compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
- b. The Department shall not be obligated or liable hereunder to any individual or entity not a party to this Agreement.
- c. In no event shall the making by the Department of any payment to the Recipient constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Recipient and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.
- d. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.
- e. By execution of the Agreement, the Recipient represents that it has not paid and, also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financing hereunder.
- f. Nothing in the Agreement shall require the Recipient to observe or enforce compliance with any provision or perform any act or do any other thing in contravention of any applicable state law. If any of the provisions of the Agreement violate any applicable state law, the Recipient will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Recipient to the end that the Recipient may proceed as soon as possible with the Project.
- g. In the event that this Agreement involves constructing and equipping of facilities, the Recipient shall submit to the Department for approval all appropriate plans and specifications covering the Project. The Department will review all plans and specifications and will issue to the Recipient a written approval with any approved portions of the Project and comments or recommendations covering any remainder of the Project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Recipient a written approval with said remainder of the Project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department.
- h. Upon completion of right-of-way activities on the Project, the Recipient must certify compliance with all applicable federal and state requirements. Certification is required prior to authorization for advertisement for or solicitation of bids for construction of the Project, including if no right-of-way is required.
- i. The Recipient will certify in writing, prior to Project closeout that the Project was completed in accordance with applicable plans and specifications, is in place on the Recipient's facility, adequate title is in the Recipient's name, and the Project is accepted by the Recipient as suitable for the intended purpose.
- j. The Recipient agrees that no federally-appropriated funds have been paid, or will be paid by or on behalf of the Recipient, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the

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making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. If any funds other than federally-appropriated funds have been paid by the Recipient to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The Recipient shall require that the language of this paragraph be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. No funds received pursuant to this contract may be expended for lobbying the Legislature, the judicial branch or a state agency.

- k. The Recipient may not permit the Engineer of Record to perform Construction, Engineering and Inspection services on the Project.
- l. The Recipient shall comply with all applicable federal guidelines, procedures, and regulations. If at any time a review conducted by Department and or FHWA reveals that the applicable federal guidelines, procedures, and regulations were not followed by the Recipient and FHWA requires reimbursement of the funds, the Recipient will be responsible for repayment to the Department of all funds awarded under the terms of this Agreement.
- m. The Recipient shall:
 - i. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Recipient during the term of the contract; and
 - ii. expressly require any contractor and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
- n. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute the same Agreement. A facsimile or electronic transmission of this Agreement with a signature on behalf of a party will be legal and binding on such party.
- o. The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.
- p. If the Project is procured pursuant to Chapter 255, Florida Statutes, for construction services and the cost of the Project is to be paid from state-appropriated funds, then the Recipient must comply with the requirements of Section 255.0991, Florida Statutes.

18. Exhibits:

- a. **Exhibits "A", "B", "C", "D", "E" and "F"** are attached to and incorporated into this Agreement.
- b. ☐ If this Project includes Phase 58 (construction) activities, then **Exhibit "G"**, FHWA FORM 1273, is attached and incorporated into this Agreement.
- c. ☐ Alternative Advance Payment Financial Provisions are used on this Project. If an Alternative Pay Method is used on this Project, then **Exhibit "H"**, Alternative Advance Payment Financial Provisions, is attached and incorporated into this Agreement.
- d. ☐ State funds are used on this Project. If state funds are used on this Project, then **Exhibit "I"**, State Funds Addendum, is attached and incorporated into this Agreement. **Exhibit "J"**, State Financial Assistance (Florida Single Audit Act), is attached and incorporated into this Agreement.
- e. ☐ This Project utilizes Advance Project Reimbursement. If this Project utilizes Advance Project Reimbursement, then **Exhibit "K"**, Advance Project Reimbursement is attached and incorporated into this Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

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- f. ☐ This Project includes funding for landscaping. If this Project includes funding for landscaping, then **Exhibit "L"**, Landscape Maintenance, is attached and incorporated into this Agreement.
- g. ☐ This Project includes funding for a roadway lighting system. If the Project includes funding for roadway lighting system, **Exhibit "M"**, Roadway Lighting Maintenance is attached and incorporated into this Agreement.
- h. ☐ This Project includes funding for traffic signals and/or traffic signal systems. If this Project includes funding for traffic signals and/or traffic signals systems, **Exhibit "N"**, Traffic Signal Maintenance is attached and incorporated into this Agreement.
- i. ☐ A portion or all of the Project will utilize Department right-of-way and, therefore, **Exhibit "O"**, Terms and Conditions of Construction in Department Right-of-Way, is attached and incorporated into this Agreement.
- j. ☐ The following Exhibit(s) are attached and incorporated into this Agreement: _____

k. Exhibit and Attachment List

Exhibit A: Project Description and Responsibilities

Exhibit B: Schedule of Financial Assistance

Exhibit C: Title VI Assurances

Exhibit D: Recipient Resolution

Exhibit E: Federal Financial Assistance (Single Audit Act)

Exhibit F: Contract Payment Requirements

* Exhibit G: FHWA Form 1273

* Exhibit H: Alternative Advance Payment Financial Provisions

* Exhibit I: State Funds Addendum

* Exhibit J: State Financial Assistance (Florida Single Audit Act)

* Exhibit K: Advance Project Reimbursement

* Exhibit L: Landscape Maintenance

* Exhibit M: Roadway Lighting Maintenance

* Exhibit N: Traffic Signal Maintenance

* Exhibit O: Terms and Conditions of Construction in Department Right-of-Way

* Additional Exhibit(s):

*** Indicates that the Exhibit is only attached and incorporated if applicable box is selected.**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
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IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

RECIPIENT

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____
Name:
Title:

By: _____
Name: John P. Krane, P.E.,
Title: Director of Transportation

Legal Review:

Francine Steelman, Assistant General Counsel, District Four

EXHIBIT A**PROJECT DESCRIPTION AND RESPONSIBILITIES**FPN: 443949-1-38-01

This exhibit forms an integral part of the Agreement between the State of Florida, Department of Transportation and
The City of Dania Beach (the Recipient)

PROJECT LOCATION:

- ☐ The project is on the National Highway System.
- ☐ The project is on the State Highway System.

PROJECT LENGTH AND MILE POST LIMITS: 0.764
Mile Post

86900110 0 / 0.764 Total length: 0.764

PROJECT DESCRIPTION: Design plans, specifications, and estimates for the construction of bicycle lanes, on-street parallel parking, lighting, updating curb ramps to meet current ADA requirements, and new paver crosswalks to allow accessibility for pedestrians.

SPECIAL CONSIDERATIONS BY RECIPIENT:

The Recipient is required to provide a copy of the design plans for the Department's review and approval to coordinate permitting with the Department, and notify the Department prior to commencement of any right-of-way activities.

The Recipient shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

- a) Study to be completed by N/A.
- b) Design to be completed by 12/31/2025.
- c) Right-of-Way requirements identified and provided to the Department by N/A.
- d) Right-of-Way to be certified by N/A.
- e) Construction contract to be let by N/A.
- f) Construction to be completed by N/A.

If this schedule cannot be met, the Recipient will notify the Department in writing with a revised schedule or the project is subject to the withdrawal of funding.

SPECIAL CONSIDERATIONS BY DEPARTMENT:

Issuance of the Notice to Proceed (NTP) to the City of Dania Beach is subject to the submittal and approval of the Professional Services Request for Proposal/Qualifications package.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT B
SCHEDULE OF FINANCIAL ASSISTANCE

RECIPIENT NAME & BILLING ADDRESS: City of Dania Beach 100 W Dania Beach Boulevard Dania Beach, FL 33004	FINANCIAL PROJECT NUMBER: 443949-1-38-01
--	---

PHASE OF WORK By Fiscal Year	MAXIMUM PARTICIPATION			
	(1) TOTAL PROJECT FUNDS	(2) LOCAL FUNDS	(3) STATE FUNDS	(4) FEDERAL FUNDS
Design- Phase 38				
FY: 2024 (Surface Transportation - STP)	\$ 360,264.00	\$ _____	\$ _____	\$ 360,264.00
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
Total Design Cost	\$ 360,264.00	\$ 0.00	\$ 0.00	\$ 360,264.00
Right-of-Way- Phase 48				
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
Total Right-of-Way Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction- Phase 58				
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
Total Construction Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Construction Engineering and Inspection (CEI)- Phase 68				
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
Total CEI Cost	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
(Insert Phase)				
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
FY: (Insert Program Name)	\$ _____	\$ _____	\$ _____	\$ _____
Total Phase Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL COST OF THE PROJECT	\$ 360,264.00	\$ 0.00	\$ 0.00	\$ 360,264.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Landy Ductan

District Grant Manager Name

Signature

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT**EXHIBIT C****TITLE VI ASSURANCES**

During the performance of this contract, the consultant or contractor, for itself, its assignees and successors in interest (hereinafter collectively referred to as the "contractor") agrees as follows:

- (1.) Compliance with REGULATIONS:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") **Title 49, Code of Federal Regulations, Part 21**, as they may be amended from time to time, (hereinafter referred to as the **REGULATIONS**), which are herein incorporated by reference and made a part of this contract.
- (2.) Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, or sex in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by **Section 21.5** of the **REGULATIONS**, including employment practices when the contract covers a program set forth in **Appendix B** of the **REGULATIONS**.
- (3.) Solicitations for Sub-contractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the **REGULATIONS** relative to nondiscrimination on the basis of race, color, national origin, or sex.
- (4.) Information and Reports:** The contractor shall provide all information and reports required by the **REGULATIONS** or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation* or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such **REGULATIONS**, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Florida Department of Transportation*, or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or

Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

(6.) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (7) in every sub-contract, including procurements of materials and leases of equipment, unless exempt by the **REGULATIONS**, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contract or procurement as the *Florida Department of Transportation* or the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, or *Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(7.) Compliance with Nondiscrimination Statutes and Authorities: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT D

RECIPIENT RESOLUTION

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT**EXHIBIT E****FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)****FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

CFDA No.: 20.205
CFDA Title: Highway Planning and Construction
Federal-Aid Highway Program, Federal Lands Highway Program
CFDA Program Site: https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is_active=true&page=1
Award Amount: \$360,264.00
Awarding Agency: Florida Department of Transportation
Award is for R&D: Choose an item.
Indirect Cost Rate: Choose an item.

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards

<http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>

FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:

Title 23 – Highways, United States Code

<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code

<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”)

<https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf>

Federal Highway Administration – Florida Division

<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)

<https://www.fsrs.gov/>

EXHIBIT F**CONTRACT PAYMENT REQUIREMENTS**
Florida Department of Financial Services, Reference Guide for State Expenditures
Cost Reimbursement Contracts

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation shall be submitted for each amount for which reimbursement is being claimed indicating that the item has been paid. Documentation for each amount for which reimbursement is being claimed must indicate that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved agreement budget may be reimbursed. These expenditures must be allowable (pursuant to law) and directly related to the services being provided.

Listed below are types and examples of supporting documentation for cost reimbursement agreements:

Salaries: Timesheets that support the hours worked on the project or activity must be kept. A payroll register, or similar documentation should be maintained. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.

Fringe benefits: Fringe benefits should be supported by invoices showing the amount paid on behalf of the employee, e.g., insurance premiums paid. If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown. Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.

Travel: Reimbursement for travel must be in accordance with s. 112.061, F.S., which includes submission of the claim on the approved state travel voucher along with supporting receipts and invoices.

Other direct costs: Reimbursement will be made based on paid invoices/receipts and proof of payment processing (cancelled/processed checks and bank statements). If nonexpendable property is purchased using state funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with DMS Rule 60A-1.017, F.A.C., regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in s. 273.02, F.S., for subsequent transfer to the State.

Indirect costs: If the contract stipulates that indirect costs will be paid based on a specified rate, then the calculation should be shown. Indirect costs must be in the approved agreement budget and the entity must be able to demonstrate that the costs are not duplicated elsewhere as direct costs. All indirect cost rates must be evaluated for reasonableness and for allowability and must be allocated consistently.

Contracts between state agencies may submit alternative documentation to substantiate the reimbursement request, which may be in the form of FLAIR reports or other detailed reports.

The Florida Department of Financial Services, online Reference Guide for State Expenditures can be found at this web address <https://www.myfloridacfo.com/Division/AA/Manuals/documents/ReferenceGuideforStateExpenditures.pdf>.



City of Dania Beach Public Services Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Fenando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

SUBJECT: AUTHORIZATION TO BEGIN THE BID PROCESS FOR LIFT STATION#11 REHABILITATION PROJECT

Request:

The Public Services Department (PSD) requests the adoption of a resolution authorizing the bid process for the "Lift Station #11 Rehabilitation Project" (Project).

Background:

On January 23, 2024, the City Commission approved Resolution 2024- 011 for the use of \$3.4M from the American Rescue Plan Act State (ARPA) and Local Fiscal Recovery Fund Project List for the "Rehabilitation Project for Lift Station #11". PSD is ready to begin the bid process for the project, as this lift station is the highest priority for a full rehabilitation.

Budgetary Impact

Funding will be allocated from the ARPA and State and Local Fiscal Recovery Funds in the amount of \$3.4 Million to cover the cost of this project.

Recommendation

PSD recommends the adoption of the resolution authorizing the bid process for the "Lift Station #11 Rehabilitation Project".

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING APPROVAL OF A RESOLUTION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE LIFT STATION NO. 11 REHABILITATION PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 23, 2024, the City Commission of the City of Dania Beach approved Resolution No. 24-011 authorizing modifications to the American Rescue Plan Act (“ARPA”) State and Local Fiscal Recovery Fund Project list to include 3.4 Million Dollars for a lift station rehabilitation project; and

WHEREAS, the Public Services Department determined that Lift Station No. 11 rehabilitation to be of highest priority; and

WHEREAS, the design and permitting for this project is complete and the Public Services Department is ready to begin the bid process.

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

Section 1. That the above “Whereas” clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. The City Commission authorizes staff to proceed with the Lift Station No. 11 Rehabilitation Project with competitive bidding and funding of Three Million Four Hundred Thousand Dollars (\$3,400,000.00) currently available from the ARPA State and Local Fiscal Recovery Fund.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Human Resources Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Linda Gonzalez, Chief Human Resources Officer, SPHR, SHRM-SCP

SUBJECT: Request to Approve Memorandum of Understanding Regarding Working Afterhours Special Events

Request:

Approval of a resolution of the City Commission to join with the American Federation of State, County and Municipal Employees (AFSCME) to enter into a Memorandum of Understanding ("MOU") regarding the working of afterhours special events and establishing a procedure for offering and accepting such work.

Background:

On November 28, 2023, the City and AFSCME representatives met in an impact bargaining session to discuss a proposed MOU regarding event clean-up overtime. Traditionally, the work of cleaning up after City events has been performed by the BEAM team and public services as it outlined in various job descriptions. Due to the increase in special events at the City, there has been an increase in the need to require overtime for special event clean-up. The City and Union agree it is more advantageous to allow City employees to participate specifically in special event overtime clean-up on a voluntary basis for this purpose, rather than directing overtime, as is stated in the collective bargaining agreement, or contracting with an outside vendor. The MOU outlines a detailed process of how overtime will be distributed for special event overtime which requires overtime be offered first to employees of the Public Services Department, then to non-exempt employees outside of the Public Services Department, and then to a designated vendor if there are not enough employees to staff the maintenance and sanitation needs for the afterhours event. The AFSCME bargaining unit ratified the MOU on February 21, 2024.

Budgetary Impact

Overall, there is no additional cost to the City, but will allow for a wider distribution of overtime among employees.

Recommendation

Approve the resolution to approve the MOU regarding working afterhours special events.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, JOINING WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (“AFSCME”) UNION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (“MOU”) REGARDING ALLOWING EMPLOYEES TO WORK AT AFTERHOURS SPECIAL EVENTS, AND ESTABLISHING A PROCEDURE FOR THE OFFERING AND ACCEPTING OF SUCH WORK BY EMPLOYEES WITHIN THE BARGAINING UNIT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City and AFSCME are parties to a Collective Bargaining Agreement covering employees whose classifications are included within the bargaining unit; and

WHEREAS, the number of events in the City has substantially increased, and therefore, the need for event clean-up, which typically results in overtime for employees of the BEAM team and Public Services Department, has increased; and

WHEREAS, on November 28, 2023, the City and the Union met in an impact bargaining session to discuss the opportunity to allow other City employees outside of the Public Services Department to work afterhours special events; and

WHEREAS, the City and Union have reached a Memorandum of Understanding (“MOU”) regarding the working of afterhours special events, a copy of which is attached as Exhibit “A”, and is made a part of and incorporated into this Resolution by this reference; and

WHEREAS, the City Commission finds that allowing additional employees to work after hours special events meets the needs of the City.

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

Section 1. That the foregoing “Whereas” clauses are ratified and confirmed to be true and correct, and they are made a part of and are incorporated into this Resolution by reference.

Section 2. That the City Commission of the City of Dania Beach, Florida, approves the Memorandum of Understanding, attached and incorporated by reference as Exhibit A to this resolution.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous ____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF DANIA BEACH
AND
AFSCME FLORIDA COUNCIL 79, AFL-CIO LOCAL 3535**

This Memorandum of Understanding ("MOU" or "Agreement") is entered into by the CITY OF DANIA BEACH (the "City") and AFSCME FLORIDA COUNCIL 79, AFL-CIO LOCAL 3535 (the "Union"). The City and the Union are collectively referred to herein as the "Parties."

WHEREAS, the City and Union entered into a Collective Bargaining Agreement covering the period October 1, 2022, through September 30, 2025 (the "CBA");

WHEREAS, the Union represents a bargaining unit of employees holding various job classifications in the City;

WHEREAS, the City holds various events on nights and weekends throughout the year ("afterhours event(s)") for which maintenance and sanitation work is necessary;

WHEREAS, the City has an established relationship with an outside vendor to provide maintenance and sanitation work as needed;

WHEREAS, the Parties have agreed to allow non-exempt employees of the City, including those in the bargaining unit, the opportunity to provide maintenance and sanitation services at afterhours events; and,

WHEREAS, the Parties have met and reached agreement on implementation of this Agreement to the bargaining unit.

NOW, THEREFORE, the City and the Union agree as follows:

1. The above information is true and correct and is incorporated herein by reference.

2. All non-exempt City employees, including those in the bargaining unit, will be given the opportunity to provide maintenance and sanitation work in lieu of or in addition to any outside vendor for afterhours City events.

3. The procedure for offering and accepting afterhours event work and pay for the same will be as follows:

- a. The work will first be offered to employees in the Public Services Department. If an employee whose regular job for the City is in the Public Services Department and that employee works an afterhours event, the employee will receive overtime, if otherwise entitled to overtime (i.e., they have worked over 40 hours in the work week as defined in the City's Personnel Policy Manual ("PPM")), based on the employee's regular rate of pay for the City.
- b. If there are not enough employees from the Public Services Department to staff the maintenance and sanitation needs for an afterhours event, the Human Resources Department will send an email to all City employees at least five (5) work days in advance of the afterhours event advising City employees of the need for additional help. Non-exempt employees who want to work the afterhours event can fill out the Afterhours Event Work form that will be on the City's intranet and email it to the Special Events Manager within two (2) business days of the date of the City's notice of the event. The Parks and Recreation Department/Special Events will staff the afterhours event on a first come, first served basis. Employees will be notified by the Parks and Recreation Department/Special Events of their selection to work the afterhours event at least 24-hours in advance of the afterhours event. Once an employee receives notification that they have been selected to work the afterhours event, the employee will be expected to work the afterhours event.
- c. The hourly rate for employees who are not in the Public Services Department and who work an afterhours event is \$16.67. If an employee who does not work

in the Public Services Department works an afterhours event and the employee is entitled to overtime pursuant to the PPM, the employee will be paid a blended rate for overtime hours. Any overtime hours worked in the employee's regular job for the City will be paid based on the employee's regular rate of pay for the employee's regular job with the City. The City's payment of overtime will be as is required by the Fair Labor Standards Act ("FLSA"). An example of how overtime will be paid is attached hereto as Attachment A.

- d. Employees who agree to work an afterhours event are governed by the City's PPM, including all rules relating to attendance and disciplinary action. If an employee agrees to work an afterhours event and they need to call-out for any reason, the employee must contact the Special Events Manager to report the absence. The Special Events Manager will advise the Employee's direct supervisor of any call-out for attendance purposes. Employees may not use their City sick leave, personal days or floating holiday to compensate themselves for such absences. The Special Events Manager may list additional "stand-by" employees in case an employee calls out. If this happens, the Special Events Manager will start calling employees that are standing-by.
- e. If there are not enough employees from the Public Services Department and other employees in the City to staff the maintenance and sanitation needs for the afterhours event, the City will contact the outside vendor to provide additional support. The City will contact the vendor after the employees have had two (2) business days to sign up to work the afterhours event as discussed in subsection b. above.
- f. Following each afterhours event, the Special Events Manager will provide to Finance/Payroll a verified list of those employees who worked the afterhours event and the number of hours worked for each employee so that the appropriate payroll calculations can be performed.

4. The Parties agree that paragraphs 2 and 3 of this MOU represent the Parties' entire agreement as to the items related to implementation of the event work described herein. It is understood that this MOU sets no precedent for any future situations.

5. The Parties agree that this MOU cannot be amended or modified without the express written consent of the Parties.

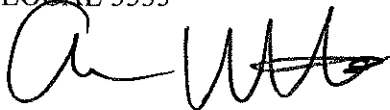
6. The Parties have had the opportunity to consult with legal counsel of their choosing prior to executing this MOU.

7. The effective date of this MOU is as of the date it is ratified by both Parties.

8. This MOU automatically expires on September 30, 2025, and will not thereafter apply unless specifically agreed to in writing by the Parties.

DATED this _____ day of _____, 2023.

AFSCME FLORIDA COUNCIL 79, AFL-CIO
LOCAL 3535



Anson Westberry, President
President

THE CITY OF DANIA BEACH

Ana M. Garcia, City Manager

Attest _____
Elora Riera, City Clerk

Authority of Resolution No. 2023-____, duly
passed and adopted by the Dania Beach City
Commission on: _____

As to Legal Form and Sufficiency:

Eve A. Boutsis, City Attorney

ATTACHMENT A

Overtime will be paid in accordance with the FLSA and the City's PPM.

Example 1: Overtime pay for employee who works in the Public Services Department and who works an afterhours event. The regular OT rate is paid, as it is now.

Employee is an equipment operator I in the Public Services Department who makes \$17.00 per hour. The employee works his regular shift of 40 hours and then works an afterhours event for 10 hours. The employee will be paid as follows:

Straight time pay for all hours worked: $\$17.00 \times 50 \text{ hours} = \850.00

Extra one-half for overtime pay: 10 hours at $(\$17.00/2) = 10 \times \$8.50 = \$85.00$

Total pay for the workweek: $\$850.00 + \$85.00 = \$935.00$

It can also be calculated as follows:

Straight time pay for 40 hours: $\$17.00 \times 40 = \680.00

Overtime pay at 1.5 times regular rate for 10 overtime hours: $\$17.00 \times 1.5 = \25.50
 $\$25.50 \times 10 = \255.00

Total pay for the workweek = $\$680.00 + \$255.00 = \$935.00$

Example 2: Blended rate for overtime for employee whose regular job for the City is not in the Public Services Department.

Employee is a code enforcement officer who makes \$29.00 per hour. The employee works his regular shift of 40 hours and then works an afterhours event for 10 hours. The rate for working the City event is \$16.67 per hour. Should work at the afterhours event be overtime, the employee will be paid a blended rate. The employee will be paid as follows:

Straight time pay for regular City job: $\$29.00 \times 40 \text{ hours} = \1160.00

Straight time pay for afterhours event: $\$16.67 \times 10 \text{ hours} = \166.70

Calculation for blended rate is all amounts paid divided by all hours worked:

All amounts paid: $\$1160.00 + 166.70 = \1326.70

All hours worked: $40 + 10 = 50$

Blended hourly rate is $\$1326.70 \div 50 = \26.53

Extra one-half of blended rate for overtime pay for afterhours event:

$\$26.53 \div 2 = \13.27

Extra pay for overtime hours at afterhours event: $\$13.27 \times 10 = \132.70

Total pay for the workweek: $\$1326.70 + \$132.70 = \$1459.40$

Example 3: Blended rate for overtime for employee whose regular job for the City is not in the Public Services Department and who works 10 hours of overtime in the employee's regular job and 10 hours of overtime at afterhours event.

Straight time pay for regular City job: $\$29.00 \times 50 \text{ hours} = \1450.00

Straight time pay for afterhours event: $\$16.67 \times 10 \text{ hours} = \166.70

Calculation for blended rate for overtime for City event is all amounts paid divided by all hours worked:

All amounts paid: $\$1450.00 + \$166.70 = \$1616.70$

All hours worked: $50 + 10 = 60$

Blended hourly rate is $\$1616.70 \div 60 = \26.95

Extra one-half of blended rate for overtime pay for City event: $\$26.95 \div 2 = \13.47

Extra pay for overtime hours at City event: $\$13.47 \times 10 = \134.70

Calculation for overtime hours worked in regular City job:

One-half of regular pay for overtime: $\$29.00 \div 2 = \14.50

Overtime pay for regular job: $\$14.50 \times 10 = \145.00

Total pay for the workweek: $\$1616.70 + \$134.70 + \$145.00 = \1896.40



City of Dania Beach Public Services Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

**SUBJECT: AUTHORIZATION TO RENEW THE AGREEMENT FOR DISASTER
DEBRIS MONITORING AND FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) GRANT ADMINISTRATION AND CONSULTING
SERVICES "TO PRIMARY, SECONDARY, AND TERTIARY FIRMS- RFQ
NO 20-003**

Request:

The Public Services Department(PSD) is requesting the adoption of a resolution authorizing the first renewal of a three-year period of RFP #20-003 "Disaster Debris Removal and Disposal and FEMA Grant Administrative Services" contracts for primary, secondary and tertiary services with Debris Tech, LLC, Rostan Solutions, LLC(RS) and BrenCO Emergency Management Consultants, LLC (BEM), respectively.

Background:

In December 2020, the City of Dania Beach awarded a debris monitoring and FEMA Grant Administration services contract DT, RS, and RS through a competitive process via RFP No. 20-003. This is an essential service during post-storm periods when significant amounts of debris ranging from household bulk trash to vegetative material is spread throughout the city. This material must be carefully monitored and documented immediately after a storm event. In addition, the field work is accompanied by detailed, specialized administrative tasks required for grant submittal(s) to FEMA. The agreements that were entered into in 2021, which expire in March 2024, provide for two(2) additional three (3)year renewals at the option of both parties. PSD recommends that the first of the renewal options be exercised.

Budgetary Impact

There is no projected expense unless a storm or similar event requires the services of one, two or all three firms. Debris removal services funding will be sought via FEMA grants.

Recommendation

PSD recommends that the Commission adopt the resolution to renew the debris removal and disposal agreement for the first of two (2) three (3)year periods to DT, RS, and BEM.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE RENEWAL OF EMERGENCY DEBRIS MONITORING AND FEMA GRANT ADMINISTRATION SERVICES CONTRACTS PURSUANT TO REQUEST FOR PROPOSAL NO. 20-003 FOR PRIMARY, SECONDARY AND TERTIARY SERVICES WITH DEBRIS TECH, LLC, ROSTAN SOLUTIONS, LLC, AND BRENCO EMERGENCY MANAGEMENT, LLC, RESPECTIVELY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in March 2021, the City entered into a three-year agreement for emergency debris removal and disposal services with Debris Tech, LLC (DT), Rostan Solutions, LLC (RS) and BrenCo Emergency Management Consultants, LLC (BEM) via competitive proposals review process through RFP No. 20-003; and

WHEREAS, this type of service is critical for properly addressing post storm debris monitoring and FEMA grant administration needs that directly impact on the public's health and safety, as well as the post-storm operations cost to the City; and

WHEREAS, the agreements provide for two (2) 3-year renewal options; and

WHEREAS, the Public Services Department has determined that exercising the first renewal option is beneficial to the City; and

WHEREAS, all three firms have formally agreed to the renewal.

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

Section 1. That the above "Whereas" clauses are ratified and confirmed, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That City Commission authorizes the renewal of the debris monitoring and FEMA administration services agreements with Debristech, LLC, Rostan Solutions, LLC and BRENCO LLC, a copy of the agreements are attached as composite Exhibit A and made a part of this Resolution by this reference.

Section 3. That funding may be required to cover the cost of services, if required, from the City's Disaster Reserves Account No. 001-271-08-00 and submitted to FEMA for reimbursement.

Section 4. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5 That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

**FIRST RENEWAL BETWEEN THE CITY OF DANIA BEACH, FLORIDA
AND BRENCO, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR
DISASTER DEBRIS MONITORING SERVICES AND FEDERAL
EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC
ASSISTANCE GRANT ADMINISTRATION AND CONSULTING SERVICES
AS DESCRIBED WITHIN THE CITY OF DANIA BEACH REQUEST FOR
PROPOSAL (“RFP”) NO. 20-003**

This is the First Renewal (the “Renewal”) dated _____, 2024, between the City of Dania Beach, Florida, a Florida municipal corporation (“City”) and BRENCO, LLC, a Florida limited liability company (“Contractor”), with its principal mailing address of 718 SW 27 Terrace, Boynton Beach, Florida 33435.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. The agreement existing between the Contractor and the City of Dania Beach and any amendment(s) to it, dated March 22, 2021, a copy of which is attached as Exhibit “A”, and made a part of and are incorporated into this Renewal by this reference), shall be considered as part of this Renewal between the City and the Contractor.
2. The current Agreement expires on March 22, 2024 and this Renewal is valid through March 22, 2027.
3. Pursuant to Resolution No. 2020-150, the City wishes to exercise the first of two (2) three (3) year renewal options with the Contractor.
4. That in all other respects, the terms of the Agreement apply to this Renewal.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

CITY:

CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:

ANA M. GARCIA, ICMA-CM
CITY MANAGER

EVE A. BOUTSIS
CITY ATTORNEY

WITNESSES:

Signature

PRINT Name

Signature

PRINT Name

CONTRACTOR:
ROSTAN SOLUTIONS, LLC,
a Florida limited Liability company

Signature

PRINT Name

Title

Dated: _____, 2024

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, on _____2024, by _____, as _____ of Rostan Solutions, LLC, a Florida limited liability company. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public, State of Florida

Print Name :

**AGREEMENT BETWEEN THE CITY OF DANIA BEACH, FLORIDA AND
BRENCO, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR
DISASTER DEBRIS MONITORING SERVICES AND FEDERAL
EMERGENCY MANAGEMENT AGENCY ("FEMA") PUBLIC ASSISTANCE
GRANT ADMINISTRATION AND CONSULTING SERVICES AS DESCRIBED
WITHIN THE CITY OF DANIA BEACH REQUEST FOR PROPOSAL ("RFP")
NO. 20-003**

This is an Agreement ("Agreement") dated March 22, 2021, between the City of Dania Beach, Florida, a Florida municipal corporation ("City"), with its principal place of business located at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004 and BRENCO, LLC, a Florida limited liability company ("Contractor"), with its principal mailing address of 14413 N. Acapulco Way, Nampa, Idaho 83651.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. This Agreement between the Contractor and the City under the City of Dania Beach Request for Proposals ("RFP") No. 20-003 is effective upon execution by all parties for a period of three (3) years, with an option for renewal for two (2) additional three (3) year periods. A copy of RFP No. 20-003 and all addendums to it is attached as composite Exhibit "A" and made a part of and incorporated into this Agreement by this reference) and shall be considered as part of this Agreement.
2. The Fee Schedule provided by the Contractor is attached as Exhibit "B" and is incorporated into this Agreement by this reference.
3. That in all other respects, the terms of composite Exhibit "A" apply to this Agreement.

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

ATTEST:

**Thomas
Schneider**

Digitally signed by Thomas
Schneider
DN: cn=Thomas Schneider, o=City
of Dania Beach, ou=City Clerk,
email=tschneider@daniabeachfl.g
ov, c=US
Date: 2021.03.22 08:22:09 -04'00'

**THOMAS SCHNEIDER, CMC
CITY CLERK**



**CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation**

Tamara James

Digitally signed by Tamara James
DN: cn=Tamara James, o=City of Dania
Beach, ou=Mayor,
email=tamarajames@daniabeachfl.gov,
c=US
Date: 2021.03.22 08:21:30 -04'00'

**TAMARA JAMES
MAYOR**

APPROVED AS TO FORM AND CORRECTNESS

Thomas J. Ansbro

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=City of Dania
Beach, ou=Legal Department,
email=tansbro@daniabeachfl.gov, c=US
Date: 2021.03.19 11:07:12 -04'00'

**THOMAS J. ANSBRO
CITY ATTORNEY**

**Ana M.
Garcia**

Digitally signed by Ana M. Garcia
DN: cn=Ana M. Garcia, o=City of
Dania Beach, ou,
email=agarcia@daniabeachfl.gov,
c=US
Date: 2021.03.19 13:28:25 -04'00'

**ANA M. GARCIA, ICMA-CM
CITY MANAGER**

WITNESSES:

Mason Adkison
Signature

Mason Adkison
PRINT Name

Lisa M. Walden
Signature

Lisa Walden
PRINT Name

CONTRACTOR:

**BRENCO, LLC, a Florida limited
Liability company**

Brenton Sempreviva
Signature

Brenton Sempreviva
PRINT Name

President
Title

Dated: March 18, 2021

STATE OF FLORIDA)
COUNTY OF Calhoun)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, on March 18, 2021, by Brenton Sempreviva, as Owner of BRENCO, LLC, a Florida limited liability company. He/she is personally known to me or has produced as identification.

My Commission Expires:

Kelli W. Adkison
Notary Public, State of Florida
Kelli W. Adkison
Print Name :



FIRST RENEWAL BETWEEN THE CITY OF DANIA BEACH, FLORIDA AND DEBRISTECH, LLC, A FOREIGN LIMITED LIABILITY COMPANY REGISTERED TO CONDUCT BUSINESS IN FLORIDA, FOR DISASTER DEBRIS MONITORING SERVICES AND FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC ASSISTANCE GRANT ADMINISTRATION AND CONSULTING SERVICES AS DESCRIBED WITHIN THE CITY OF DANIA BEACH REQUEST FOR PROPOSAL (“RFP”) NO. 20-003

This is the First Renewal (the “Renewal”) dated _____, 2024, between the City of Dania Beach, Florida, a Florida municipal corporation (“City”) and Debristech, LLC, a foreign limited liability company registered in Florida (“Contractor”), with its principal mailing address of 925 Goodyear Boulevard, Picayune, Mississippi 39466.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. The agreement existing between the Contractor and the City of Dania Beach and any amendment(s) to it, dated March 15, 2021, a copy of which is attached as Exhibit “A”, and made a part of and are incorporated into this Renewal by this reference), shall be considered as part of this Renewal between the City and the Contractor.
2. The current Agreement expires on March 15, 2024 and this Renewal is valid through March 15, 2027.
3. Pursuant to Resolution No. 2020-150, the City wishes to exercise the first of two (2) three (3) year renewal options with the Contractor.
4. That in all other respects, the terms of the Agreement apply to this Renewal.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

CITY:

CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:

ANA M. GARCIA, ICMA-CM
CITY MANAGER

EVE A. BOUTSIS
CITY ATTORNEY

WITNESSES:

Signature

PRINT Name

Signature

PRINT Name

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, on _____ 2024, by _____, as _____ of Debristech, LLC, foreign limited liability company registered in Florida. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:

CONTRACTOR:
DEBRISTECH, LLC, a foreign limited
Liability company, registered in Florida

Signature

PRINT Name

Title

Dated: _____, 2024

Notary Public, State of _____

Print Name :

AGREEMENT BETWEEN THE CITY OF DANIA BEACH, FLORIDA AND DEBRISTECH, LLC, A FOREIGN LIMITED LIABILITY COMPANY REGISTERED TO CONDUCT BUSINESS IN FLORIDA, FOR DISASTER DEBRIS MONITORING SERVICES AND FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") PUBLIC ASSISTANCE GRANT ADMINISTRATION AND CONSULTING SERVICES AS DESCRIBED WITHIN THE CITY OF DANIA BEACH REQUEST FOR PROPOSAL ("RFP") NO. 20-003

This is an Agreement ("Agreement") dated March 15, 2021, between the City of Dania Beach, Florida, a Florida municipal corporation ("City"), with its principal place of business located at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004 and Debristech, LLC, a foreign limited liability company registered in Florida ("Contractor"), with its principal mailing address of 925 Goodyear Boulevard, Picayune, Mississippi 39466.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. This Agreement between the Contractor and the City under the City of Dania Beach Request for Proposals ("RFP") No. 20-003 is effective upon execution by all parties for a period of three (3) years, with an option for renewal for two (2) additional three (3) year periods. A copy of RFP No. 20-003 and all addendums to it is attached as composite Exhibit "A" and made a part of and incorporated into this Agreement by this reference) and shall be considered as part of this Agreement.
2. The Fee Schedule provided by the Contractor is attached as Exhibit "B" and is incorporated into this Agreement by this reference.
3. That in all other respects, the terms of composite Exhibit "A" apply to this Agreement.

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

ATTEST:

**Thomas
Schneider**

Digitally signed by Thomas
Schneider
DN: cn=Thomas Schneider, o=City
of Dania Beach, ou=City Clerk,
email=tschneider@daniabeachfl.gov,
c=US
Date: 2021.03.15 16:22:21 -04'00'

THOMAS SCHNEIDER, CMC
CITY CLERK



**CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation**

Tamara James

Digitally signed by Tamara James
DN: cn=Tamara James, o=City of Dania
Beach, ou=Mayor,
email=tamarajames@daniabeachfl.gov,
c=US
Date: 2021.03.15 16:21:57 -04'00'

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS

Thomas J. Ansbro

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=City of Dania Beach,
ou=Legal Department,
email=tansbro@daniabeachfl.gov, c=US
Date: 2021.03.15 09:40:41 -04'00'

THOMAS J. ANSBRO
CITY ATTORNEY

**Ana. M.
Garcia**

Digitally signed by Ana. M. Garcia
DN: cn=Ana. M. Garcia, o=City of
Dania Beach, ou=City Manager,
email=agarcia@daniabeachfl.gov,
c=US
Date: 2021.03.15 14:31:49 -04'00'

ANA M. GARCIA, ICMA-CM
CITY MANAGER

WITNESSES:

[Signature]
Signature

Herman Dungan
PRINT Name

[Signature]
Signature

Morgan Owen
PRINT Name

CONTRACTOR:

**DEBRISTECH, LLC, a foreign limited
Liability company, registered in Florida**

[Signature]
Signature

Brooks Wallace
PRINT Name

President
Title

Dated: March 12, 2021

STATE OF Mississippi)
COUNTY OF Pearl River)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, on March 12, 2021, by Brooks Wallace, as President of Debristech, LLC, foreign limited liability company registered in Florida. He/she is personally known to me or has produced physical presence as identification.

My Commission Expires: Dec. 7, 2021

[Signature]
Notary Public, State of Mississippi

Debra McCormick
Print Name :



FIRST RENEWAL BETWEEN THE CITY OF DANIA BEACH, FLORIDA AND ROSTAN SOLUTIONS, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR DISASTER DEBRIS MONITORING SERVICES AND FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC ASSISTANCE GRANT ADMINISTRATION AND CONSULTING SERVICES AS DESCRIBED WITHIN THE CITY OF DANIA BEACH REQUEST FOR PROPOSAL (“RFP”) NO. 20-003

This is the First Renewal (the “Renewal”) dated _____, 2024, between the City of Dania Beach, Florida, a Florida municipal corporation (“City”) and Rostan Solutions, LLC, a Florida limited liability company (“Contractor”), with its principal mailing address of 3204 Fox Squirrel Lane, Valrico, Florida 33596.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. The agreement existing between the Contractor and the City of Dania Beach and any amendment(s) to it, dated March 11, 2021, a copy of which is attached as Exhibit “A”, and made a part of and are incorporated into this Renewal by this reference), shall be considered as part of this Renewal between the City and the Contractor.
2. The current Agreement expires on March 11, 2024 and this Renewal is valid through March 11, 2027.
3. Pursuant to Resolution No. 2020-150, the City wishes to exercise the first of two (2) three (3) year renewal options with the Contractor.
4. That in all other respects, the terms of the Agreement apply to this Renewal.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

CITY:

CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:

ANA M. GARCIA, ICMA-CM
CITY MANAGER

EVE A. BOUTSIS
CITY ATTORNEY

WITNESSES:

Signature

PRINT Name

Signature

PRINT Name

CONTRACTOR:
ROSTAN SOLUTIONS, LLC,
a Florida limited Liability company

Signature

PRINT Name

Title

Dated: _____, 2024

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, on _____, 2024, by _____, as _____ of Rostan Solutions, LLC, a Florida limited liability company. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public, State of Florida

Print Name :

AGREEMENT BETWEEN THE CITY OF DANIA BEACH, FLORIDA AND ROSTAN SOLUTIONS, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR DISASTER DEBRIS MONITORING SERVICES AND FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC ASSISTANCE GRANT ADMINISTRATION AND CONSULTING SERVICES AS DESCRIBED WITHIN THE CITY OF DANIA BEACH REQUEST FOR PROPOSAL (“RFP”) NO. 20-003

This is an Agreement (“Agreement”) dated March 11, 2021, between the City of Dania Beach, Florida, a Florida municipal corporation (“City”), with its principal place of business located at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004 and Rostan Solutions, LLC, a Florida limited liability company (“Contractor”), with its principal mailing address of 3204 Fox Squirrel Lane, Valrico, Florida 33596.

In consideration of the mutual covenants, terms and conditions contained in this Agreement, and other good and valuable consideration, the adequacy and receipt of which are acknowledged and agreed upon, the parties agree to the following:

1. This Agreement between the Contractor and the City under the City of Dania Beach Request for Proposals (“RFP”) No. 20-003 is effective upon execution by all parties for a period of three (3) years, with an option for renewal for two (2) additional three (3) year periods. A copy of RFP No. 20-003 and all addendums to it is attached as composite Exhibit “A” and made a part of and incorporated into this Agreement by this reference) and shall be considered as part of this Agreement.
2. The Fee Schedule provided by the Contractor is attached as Exhibit “B” and is incorporated into this Agreement by this reference.
3. That in all other respects, the terms of composite Exhibit “A” apply to this Agreement.

IN WITNESS OF THE FOREGOING, the parties have set their hand and seal the day and year first written above.

ATTEST:

**Thomas
Schneider**

Digitally signed by Thomas
Schneider
DN: cn=Thomas Schneider, o=City
of Dania Beach, ou=City Clerk,
email=tschneider@daniabeachfl.g
ov, c=US
Date: 2021.03.11 14:37:10 -05'00'

THOMAS SCHNEIDER, CMC
CITY CLERK



**CITY OF DANIA BEACH, FLORIDA,
a Florida municipal corporation**

**Tamara
James**

Digitally signed by Tamara James
DN: cn=Tamara James, o=City of
Dania Beach, ou=Mayor,
email=tamarajames@daniabeachfl.g
ov, c=US
Date: 2021.03.11 14:36:39 -05'00'

TAMARA JAMES
MAYOR

APPROVED AS TO FORM AND CORRECTNESS

**Thomas J.
Ansbro**

Digitally signed by Thomas J. Ansbro
DN: cn=Thomas J. Ansbro, o=City of Dania
Beach, ou=Legal Department,
email=tansbro@daniabeachfl.gov, c=US
Date: 2021.03.11 11:29:12 -05'00'

THOMAS J. ANSBRO
CITY ATTORNEY

**Ana M.
Garcia**

Digitally signed by Ana M. Garcia
DN: cn=Ana M. Garcia, o=City of
Dania Beach, ou,
email=agarcia@daniabeachfl.gov,
c=US
Date: 2021.03.11 12:35:36 -05'00'

ANA M. GARCIA, ICMA-CM
CITY MANAGER

WITNESSES:

[Signature]
Signature

Sam Rosania
PRINT Name

[Signature]
Signature

Travis Mays
PRINT Name

CONTRACTOR:

ROSTAN SOLUTIONS, LLC,
a Florida limited Liability company

[Signature]
Signature

Darius Stankunas
PRINT Name

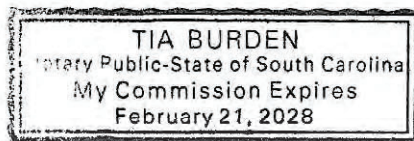
President
Title

Dated: February 4, 2021

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, on February 4, 2021, by Darius Stankunas, as President of Rostan Solutions, LLC, a Florida limited liability company. He/she is personally known to me or has produced _____ as identification.

My Commission Expires:



[Signature]
Notary Public, South Carolina

Tia Burden
Print Name :



City of Dania Beach Public Services Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E., Deputy Director/City Engineer

**SUBJECT: AUTHORIZATION TO MODIFY THE GRANT AGREEMENT WITH THE
FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR THE
REHABILITATION OF LIFTSTATIONS #1, 2 & 3**

Request:

The Public Services Department (PSD) requests the adoption of the attached resolution authorizing the modification of an Agreement with the Florida Division of Emergency Management (FDEM) for grant funds for the Rehabilitation of Lift Stations #1,2 and 3 Project (Project).

Background:

The FDEM awarded the City a Hazard Mitigation Grant Program (HMGP) grant in the amount of \$2,782,788.75 to rehabilitate and mitigate wastewater lift stations. PSD issued ITB to rehabilitate lift stations 1, 2, and 3. Only one response was received in the amount of \$9,774,595.00. To account for the substantial increase in construction costs, the City requested additional grant funds in the amount of \$4,548,157.50. FDEM approved the City's request for additional HMGP grant funds.

Budgetary Impact

PSD recommends the City Commission adopt a resolution to modify the Agreement with the FDEM for the Wastewater Lift Station Generator and Utility Mitigation Project.

Recommendation

PSD recommends the City Commission adopt a resolution to modify the Agreement with the FDEM for the Wastewater Lift Station Generator and Utility Mitigation Project.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MODIFICATION NUMBER THREE TO THE SUBGRANT AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT FOR AN INCREASE IN FUNDING FOR THE REHABILITATION OF LIFT STATIONS 1, 2 AND 3 PROJECT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Commission approved Resolution No. 2020-015, accepting a Florida Division of Emergency Management grant for a sanitary sewer lift station generator and utility resiliency project in the amount of Two Million Seven Hundred Eighty-Two Thousand Seven Hundred Eighty-Eight Dollars and Seventy-Five Cents (\$2,782,788.75); and

WHEREAS, upon issuing the Invitation to Bid (ITB No. 2023-010) for the construction of the project, the City received one response in the amount of Nine Million Seven Hundred Seventy-Four Thousand Five Hundred Ninety-Five Dollars (\$9,774,595); and

WHEREAS, the ITB respondent's pricing was significantly above the original grant amount, the City submitted and received approval from FDEM for additional grant funds in the amount Four Million Five Hundred Forty-Eight Thousand One Hundred Fifty-Seven Dollars and Fifty Cents (\$4,548,157.50) to meet the total funding required; and

WHEREAS, to formally accept the additional grant funds, Commission approval is required for the modification of the agreement between the City of Dania Beach and FDEM for the additional funds.

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

Section 1. That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That the proper City officials are authorized to accept and execute Modification Number Three to the Subgrant Agreement with the Florida Division of Emergency Management for an increase in grant funds for the Wastewater Lift Station, Generator and Utility Mitigation Project, a copy of Modification Number 3 is attached and incorporated into this Resolution by this reference.

Section 3. That the City Manager and City Attorney are authorized to make minor revisions to the Agreement which are deemed necessary and proper and in the best interest of the City including modifications for project extensions.

Section 4. That funding will be appropriated within the Grant Fund.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. That this Resolution shall take effect ten (10) days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous ____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

SUB-RECIPIENT AGREEMENT CHECKLIST
DIVISION OF EMERGENCY MANAGEMENT
MITIGATION BUREAU
FISCAL OPERATIONS UNIT
HMGP

REQUEST FOR REVIEW AND APPROVAL	
SUB-RECIPIENT:	City of Dania Beach
PROJECT #:	4337-334-R
PROJECT TITLE:	City of Dania Beach, Wastewater Lift Stations, Generator and Utility Mitigation
CONTRACT #:	H0423
MODIFICATION #:	3

SUB-RECIPIENT REPRESENTATIVE (POINT OF CONTACT)	
	Colin Donnelly CIP and Grants Administrator 100 W. Dania Beach Boulevard Dania Beach, FL 33004

Enclosed is your copy of the proposed contract/modification between **City of Dania Beach** and the Florida Division of Emergency Management (FDEM).

COMPLETE	
☐	This form is required to be included with all Reviews, Approvals, and Submittals
☐	Reviewed and Approved
☐	Signed & Dated Electronic Copy by Official Representative
☐	Copy of the organization's resolution or charter that specifically identifies the person or position that is authorized to sign, if not Chairman, Mayor, or Chief
☐	Attachment I - Federal Funding Accountability and Transparency Act (FFATA) - completed, signed, and dated ☐ N/A for Modifications or State Funded Agreements
☐	Attachment K – Certification Regarding Lobbying - completed, signed, and dated ☐ N/A for Modifications or State Funded Agreements
☐	Attachment L – Contracts with Non-Profit Organizations - completed, signed, and dated
☐	Electronic Submittal to the Grant Specialist

If you have any questions regarding this contract, or who is authorized to sign it, please contact your Project Manager at (850) 312-9443 or email me at Alejandro.Vargas@em.myflorida.com.

Contract Number: H0423

Project Number: 4337-334-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
CITY OF DANIA BEACH**

This Modification Number Three is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and City of Dania Beach ("the Sub-Recipient") to modify Contract Number H0423, dated March 4, 2020 ("the Agreement").

WHEREAS, the Division and the Sub-Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Sub-Recipient under the Hazard Mitigation Grant Program of \$2,875,548.38, in Federal Funds; and

WHEREAS, the Division and the Sub-Recipient intend to modify the Agreement; and

WHEREAS, the Agreement expired on August 31, 2023; and

WHEREAS, the Division and the Sub-Recipient intend to reinstate and extend the terms of the Agreement, modify the Scope of Work, and increase the Federal Funding by \$4,548,157.50 under the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated and extended as though it had never expired.
2. Paragraph 8 of the Agreement is hereby amended to read as follows:

(8) PERIOD OF AGREEMENT

This Agreement shall begin March 4, 2020 and shall end August 31, 2024, unless terminated earlier in accordance with the provisions of Paragraph (17) of this Agreement.

3. The Agreement is amended to increase the Federal Funding by \$4,548,157.50, for the maximum amount payable under the Agreement to \$7,423,705.88, (Seven Million Four Hundred Twenty-Three Thousand Seven Hundred Five Dollars and Eighty-Eight Cents).
4. The Budget and Scope of Work, Attachment A to this Agreement, is hereby modified as set forth in 3rd Revised Attachment A to this modification, a copy of which is attached hereto and incorporated herein by reference.
5. All provisions of the Agreement being modified and any attachments thereto in conflict with Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the last execution of this Modification by both parties.
6. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
7. Quarterly Reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative closeout report. The ending dates of each quarter of the program year are March 31, June 30, September 30, and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this modification as of the dates set out below.

SUB-RECIPIENT: CITY OF DANIA BEACH

By: _____

Name and Title: _____

Date: _____

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

By: _____

Name and Title: Kevin Guthrie, Director

Date: _____

Attachment A
(3rd Revision)
Budget and Scope of Work

STATEMENT OF PURPOSE:

The purpose of this Scope of Work is to provide protection to lift stations in Dania Beach, Broward County, Florida, funded through the Hazard Mitigation Grant Program (HMGP) **DR-4337-334-R**, as approved by the Florida Division of Emergency Management (Division) and the Federal Emergency Management Agency (FEMA). The project is for the purchase and installation of an emergency generator system to reduce and/or mitigate the damage that might otherwise occur from severe weather or other hazards.

The Sub-Recipient, City of Dania Beach, agrees to administer and complete the project per scope of work as submitted by the Sub-Recipient and subsequently approved by the Division and FEMA. The Sub-Recipient shall complete the work in accordance with all applicable Federal, State and Local Laws, Regulations, and Codes.

PROJECT OVERVIEW:

As a Hazard Mitigation Grant Program (HMGP) project, the Sub-Recipient proposes to implement a utility mitigation activity and shall provide backup power to three (3) lift stations: LS #1, LS #2, and LS #3, located in Dania Beach, Florida 33004.

The HMGP project shall provide protection to the facilities by the demolition of the existing submersible lift stations and the construction of new submersible lift stations with a valve vault within the same site to increase the pumping capacity. LS #1 shall increase the pumping capacity from 400 gallons per minute to 2,000 gallons per minute, including the installation of a control panel system, electrical components, and modification of the existing manhole. LS #2 shall increase the pumping capacity from 400 gallons per minute to 1,200 gallons per minute, including the installation of a control panel system, electrical components, and modification of the existing manhole. LS #3 shall increase the pumping capacity from 400 gallons per minute to 1,100 gallons per minute, including the installation of a control panel system, electrical components, and modification of the existing manhole.

The scope of work also includes installing three (3) permanent diesel generators with a capacity of 230-kW, 125-kW, and 150-kW at LS #1, LS #2, and LS #3, respectively, or the adequate size determined by the vendor and/or an electrical engineer during the bid process to appropriately support the critical facilities. The generators include a concrete pad, an Automatic Transfer Switch (ATS), and electrical connections. The lift stations serve areas that are subject to excessive inflow and the pumping system is under capacity. Furthermore, the lift stations do not currently have a permanent backup power source to protect against system failure. Providing a permanent source of backup power shall allow the City of Dania Beach to maintain the lift stations operational during potential service outages and prevent future sewer overflows. The project intends to reduce the risk of damage caused by sewage overflow by improving the performance and reliability of the lift stations.

The generator(s), electrical components, and all utility mitigation activities shall be protected against a 500-year (0.2% annual chance) flood event by implementing specific activities or by locating the generator(s) outside the Special Flood Hazard Area (SFHA), comply with applicable National Flood Insurance Program (NFIP) requirements and shall be protected against wind with a rated enclosure and appropriate anchoring based on its location requirements per ASCE 7 standards. The selected site shall provide sufficient space to maintain and fuel the generator(s) and shall comply with the National Electrical Code working clearance requirements. Activities shall be completed in strict compliance with Federal, State and Local applicable Rules and Regulations.

Project Locations provided:

ID#	Station	Location	kW	Coordinates
1)	#1	50 Southeast 2 nd Avenue, Dania Beach, Florida, 33004	230	(26.051436, -80.141779)
2)	#2	400 Southeast 2 nd Avenue, Dania Beach, Florida, 33004	125	(26.043996, -80.141271)
3)	#3	1200 Southeast 2 nd Avenue, Dania Beach, Florida, 33004	150	(26.037217, -80.141271)

TASKS & DELIVERABLES:

A) Tasks:

- 1) The Sub-Recipient shall procure the services of a qualified and licensed Florida contractor and execute a contract with the selected bidder to complete the scope of work as approved by the Division and FEMA. The Sub-Recipient shall select the qualified, licensed Florida contractor in accordance with the Sub-Recipient's procurement policy as well as all Federal and State Laws and Regulations. All procurement activities shall contain sufficient source documentation and be in accordance with all applicable regulations.

The Sub-Recipient shall be responsible for furnishing or contracting all labor, materials, equipment, tools, transportation, and supervision and for performing all work per sealed engineering designs and construction plans presented to the Division by the Sub-Recipient and subsequently approved by the Division and FEMA.

The Sub-Recipient and contractor shall be responsible for maintaining a safe and secure worksite for the duration of the work. The contractor shall maintain all work staging areas in a neat and presentable condition.

The Sub-Recipient shall ensure that no contractors or subcontractors are debarred or suspended from participating in federally funded projects.

The selected contractor shall have a current and valid occupational license/business tax receipt issued for the type of services being performed.

The Sub-Recipient shall provide documentation demonstrating the results of the procurement process. This shall include a rationale for the method of procurement and selection of contract type, contractor selection and/or rejection and bid tabulation and listing, and the basis of contract price.

The Sub-Recipient shall provide an executed "Debarment, Suspension, Ineligibility, Voluntary Exclusion Form" for each contractor and/or subcontractor performing services under this agreement.

Executed contracts with contractors and/or subcontractors shall be provided to the Division by the Sub-Recipient within 10 days of execution.

The Sub-Recipient shall provide copies of professional licenses for contractors selected to perform services. The Sub-Recipient shall provide a copy of a current and valid occupational license or business tax receipt issued for the type of services to be performed by the selected contractor.

- 2) The Sub-Recipient shall monitor and manage the procurement and installation of all products in accordance with the HMGP application and associated documentation as presented to the Division by the Sub-Recipient and subsequently approved by the Division and FEMA. The Sub-Recipient shall ensure that all applicable State, Local and Federal Laws and Regulations are followed and documented, as appropriate.

The Sub-Recipient shall fully perform the approved project, as described in the application, in accordance with the approved scope of work indicated herein, the estimate of costs indicated herein, the allocation of funds indicated herein, and all applicable terms and conditions. The Sub-Recipient shall not deviate from the approved project terms and conditions.

Upon completion of the work, the Sub-Recipient shall schedule and participate in a final inspection of the completed project by the local municipal or county building department (official), or other approving official, as applicable. The official shall inspect and certify that all installation was in accordance with

the manufacturer's specifications. Any deficiencies found during this final inspection shall be corrected by the Sub-Recipient prior to Sub-Recipient's submittal of the final inspection request to the Division.

Upon completion of Task 2, the Sub-Recipient shall submit the following documents with sufficient supporting documentation and provide a summary of all contract scope of work and scope of work changes, if any. Additional documentation shall include:

- a) Copy of permit(s), notice of commencement.
 - b) Local Building Official Inspection Report and Final Approval.
 - c) A copy of electrical designs, specifications and/or drawings elaborated to complete the scope.
 - d) Signed and Sealed copy of the As-built plans, as applicable.
 - e) Certified Letter of Completion, as applicable:
 1. Affirming that the project has been completed in conformance with the approved project drawings, specifications, and scope.
 2. Certifying Compliance with all applicable codes.
 - f) All Product Specifications / Data Sheet(s) (technical standards) satisfying protection requirements on all products utilized.
 - g) Verification letter or documentation showing the generators, automatic transfer switch (ATS), pumps, and electrical components are protected to the 500-year (0.2% annual chance) flood elevation.
 - h) Verification letter or documentation stating if unusable equipment, debris, materials, petroleum products, hazardous materials, or toxic waste were discovered during project implementation and, if so, how they were handled, managed, and disposed of.
 - i) Proof of compliance with Project Conditions and Requirements contained herein.
- 3) During the course of this agreement, the Sub-Recipient shall submit requests for reimbursement. Adequate and complete source documentation shall be submitted to support all costs (federal share and local share) related to the project. In some cases, all project activities may not be fully complete prior to requesting reimbursement of costs incurred in completion of this scope of work; however, a partial reimbursement may be requested.

The Sub-Recipient shall submit an Affidavit signed by the Sub-Recipient's project personnel with each reimbursement request attesting to the completion of the work, that disbursements or payments were made in accordance with all agreement and regulatory conditions, and that reimbursement is due and has not been previously requested.

The Sub-Recipient shall maintain accurate time records. The Sub-Recipient shall ensure invoices are accurate and any contracted services were rendered within the terms and timelines of this agreement. All supporting documentation shall agree with the requested billing period. All costs submitted for reimbursement shall contain adequate source documentation which may include but not be limited to cancelled checks, bank statements, Electronic Funds Transfer, paid bills and invoices, payrolls, time and attendance records, contract and subcontract award documents.

Construction Expense: The Sub-Recipient shall pre-audit bills, invoices, and/or charges submitted by the contractors and subcontractors and pay the contractors and subcontractors for approved bills, invoices, and/or charges. Sub-Recipient shall ensure that all contractor/subcontractor bills, invoices, and/or charges are legitimate and clearly identify the activities being performed and associated costs.

Sub-Recipient Management Costs (SRMC) expenditure must adhere to FEMA Policy #104-11-1 HMGP Management Costs (Interim) signed November 14, 2018. FEMA defines management costs as any: Indirect costs, Direct administrative costs, and other administrative expenses associated with a specific project. Administrative costs are expenses incurred by a Sub-Recipient in managing and administering the federal award to ensure that federal, state requirements are met including: solicitation, development, review, and processing of sub-applications; delivery of technical assistance;

quarterly progress and fiscal reporting; project monitoring; technical monitoring; compliance activities associated with federal procurement requirements; documentation of quality of work verification for quarterly reports and closeout; payment of claims; closeout review and liquidation; and records retention.

Any activities that are directly related to a project are not eligible under management costs. For example, architectural, engineering, and design services are project costs and cannot be included under management costs. Similarly, construction management activities that manage, coordinate, and supervise the construction process from project scoping to project completion are project costs. These activities cannot be included under management costs.

Due to Strategic Funds Management (SFM), SRMC Interim Policy requires management costs to be obligated in increments sufficient to cover Sub-Recipient needs, for no more than one year, unless contractual agreements require additional funding. FEMA has established a threshold where annual increments will be applied to larger awards allowing smaller awards to be fully obligated. Obligations will be handled by the size of the total subaward.

The Sub-Recipient shall pre-audit all SRMC source documentation – personnel, fringe benefits, travel, equipment, supplies, contractual, and indirect costs. A brief narrative is required to identify what the funds will be used for. Documentation shall be detailed and clearly describe each approved task performed, hours devoted to each task, and the hourly rate charged including enough information to calculate the hourly rates based on payroll records. Employee benefits and tasks shall be clearly shown on the Personnel Activity Form, and all Personnel or Contractual SRMC shall be invoiced separate from all other project costs.

Project Management Expenses (only applies to disasters prior to August 1, 2017, all others adhere to FEMA Policy #104-11-1 for SRMC): The Sub-Recipient shall pre-audit source documentation such as payroll records, project time sheets, attendance logs, etc. Documentation shall be detailed information describing tasks performed, hours devoted to each task, and the hourly rate charged for each hour including enough information to calculate the hourly rates based on payroll records. Employee benefits shall be clearly shown.

The Division shall review all submitted requests for reimbursement for basic accuracy of information. Further, the Division shall ensure that no unauthorized work was completed prior to the approved project start date by verifying vendor and contractor invoices. The Division shall verify that reported costs were incurred in the performance of eligible work, that the approved work was completed, and that the mitigation measures are in compliance with the approved scope of work prior to processing any requests for reimbursement.

Review and approval of any third-party in-kind services, if applicable, shall be conducted by the Division in coordination with the Sub-Recipient. Quarterly Reports shall be submitted by the Sub-Recipient and received by the Division at the times provided in this agreement prior to the processing of any reimbursement.

The Sub-Recipient shall submit to the Division requests for reimbursement of actual construction and managerial costs related to the project as identified in the project application, and plans. The requests for reimbursement shall include:

- a) Contractor, subcontractor, and/or vendor invoices which clearly display dates of services performed, description of services performed, location of services performed, cost of services performed, name of service provider and any other pertinent information;
- b) Proof of payment from the Sub-Recipient to the contractor, subcontractor, and/or vendor for invoiced services;
- c) Clear identification of amount of costs being requested for reimbursement as well as costs being applied against the local match amount.

The Sub-Recipient's final request for reimbursement shall include the final construction project cost. Supporting documentation shall show that all contractors and subcontractors have been paid.

B) Deliverables:

Mitigation Activities consist of providing protection to three (3) lift stations in Dania Beach, Florida 33004, by installing permanent diesel generators and upgrading the lift stations.

The generator(s), electrical components, and all utility mitigation activities shall be protected against a 500-year (0.2% annual chance) flood event by implementing specific activities or by locating the generator(s) outside the Special Flood Hazard Area (SFHA), comply with applicable National Flood Insurance Program (NFIP) requirements and shall be protected against wind with a rated enclosure and appropriate anchoring based on its location requirements per ASCE 7 standards. The selected site shall provide sufficient space to maintain and fuel the generator(s) and shall comply with the National Electrical Code working clearance requirements. Activities shall be completed in strict compliance with Federal, State and Local applicable Rules and Regulations.

Provided the Sub-Recipient performs in accordance with the Scope of Work outlined in this Agreement, the Division shall reimburse the Sub-Recipient based on the percentage of overall project completion.

PROJECT CONDITIONS AND REQUIREMENTS:

C) Engineering:

- 1) The Sub-Recipient shall submit to the Division an official letter stating that the project is 100% complete and ready for the Division's Final Inspection of the project.
- 2) The Sub-Recipient shall provide a copy of the Notice of Commencement, and any local official Inspection Report and/or Final Approval, as applicable.
- 3) The Sub-Recipient shall submit a final copy of the completed project's As-built drawings and all necessary supporting documentation and provide a summary of all contract scope of work changes, as applicable.
- 4) The Sub-Recipient shall submit a final copy of any electrical designs, specifications and/or drawings elaborated to complete the job.
- 5) The Sub-Recipient shall submit a certified letter of completion from Engineer of Record, as applicable. The Sub-Recipient's Engineer of Record shall provide a formal certificate or letter affirming that the project has been completed in conformance with the approved project drawings, specifications, scope, and applicable codes.
- 6) The Sub-Recipient shall submit all Product Specifications / Data Sheet(s) (technical standards) satisfying protection requirements on all products utilized.
- 7) All installations shall be done in strict compliance with the Florida Building Code or Miami Dade Specifications. All materials shall be certified to exceed the wind and impact standards of the current local codes.
- 8) The Sub-Recipient shall follow all applicable State, Local and Federal Laws, Regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. Failure to obtain all appropriate Federal, State, and Local permits and clearances may jeopardize federal funding.

D) Environmental:

- 1) The Sub-Recipient shall follow all applicable state, local and federal laws, regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.
- 2) Any change, addition or supplement to the approved mitigation measure or scope of work that alters the project (including other work not funded by FEMA, but done substantially at the same time) shall require resubmission to the Division and FEMA for reevaluation of compliance with the National Environmental Protection Act (NEPA) and Section 106 of the National Historic Preservation Act

(NHPA) prior to initiation of any work. Non-compliance with these requirements may jeopardize FEMA's ability to fund this project. A change in the scope of work shall be approved by the Division and FEMA *in advance regardless of the budget implications*.

- 3) If any ground disturbance activities occur during construction, the Sub-Recipient shall monitor ground disturbance during construction, and if any potential archeological resources are discovered, shall immediately cease construction in that area and notify the Division and FEMA.
- 4) The generators, automatic transfer switches (ATS), pumps, and electrical components are supporting a critical action and must be protected to the 500-year (0.2% annual chance) flood elevation. The Sub-Recipient must submit documentation to the Division and FEMA documenting compliance with this condition.
- 5) Unusable equipment, debris and materials shall be disposed of in an approved manner and location. In the event of significant items (or evidence thereof) are discovered during implementation of the project, the Sub-Recipient shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance shall be required at project closeout.
- 6) Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.

E) Programmatic:

- 1) The Sub-Recipient must notify the Division as soon as significant developments become known, such as delays or adverse conditions that might raise costs or delay completion, or favorable conditions allowing lower costs or earlier completion.
- 2) The Division and FEMA shall approve a change in the scope of work in advance, regardless of the budget implementations.
- 3) The Sub-Recipient must "obtain prior written approval for any budget revision which would result in a need for additional funds" [44 CFR 13(c)], from the Division and FEMA.
- 4) Any extension of the Period of Performance shall be submitted to FEMA 60 days prior to the expiration date. Therefore, any request for a Period of Performance Extension shall be in writing and submitted, along with substantiation of new expiration date and a new schedule of work, to the Division a minimum of seventy (70) days prior to the expiration date, for Division processing to FEMA.
- 5) The Sub-Recipient must avoid duplication of benefits between the HMGP and any other form of assistance, as required by Section 312 of the Stafford Act, and further clarification in 44 CFR 206.191.
- 6) A copy of the executed subcontract agreement must be forwarded to the Division within 10 days of execution.
- 7) Project approval is with the condition that the tasks, deliverables, and conditions be accomplished and submitted 30 days prior to the Period of Performance date, for review and approval by the Division, for submittal to FEMA for Closeout.
- 8) Special Conditions required on implementation of project:
 - a) **EO CONDITION:** The generators are supporting a critical action and must be protected to the 500-year (0.2% annual chance) flood elevation. The Sub-Recipient must submit documentation to the State and FEMA documenting which protective option they have selected. **Source of condition:** Executive Order 11988 - Floodplains **Monitoring Required: No**
 - b) **RCRA CONDITION:** Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, subrecipient shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance shall be required at project

closeout. **Source of condition:** Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA). **Monitoring Required:** No

- 9) Sub-Recipient Management Costs (SRMC), implemented under the Disaster Relief and Recovery Act of 2018 (DRRA), amended Section 324 of the Stafford Act, and the Hazard Mitigation Grant Program Management Costs (Interim) FEMA Policy 104-11-1, provides 100% federal funding under HMGP to Sub-Recipients to efficiently manage the grant and complete activities in a timely manner.
- a) SRMC must conform to 2 CFR Part 200, Subpart E, applicable program regulations, and Hazard Mitigation Assistance (HMA) Guidance (2015), ensuring costs are reasonable, allowable, allocable and necessary to the overall project.
 - b) Funding is for approved indirect costs, direct administrative costs, and administrative expenses associated with this specific project and shall have adequate documentation.
 - c) SRMC cannot exceed 5% of the total project costs awarded.
 - d) SRMC is 100% federally funded and will be reimbursed based on actual costs incurred for each individual Request for Reimbursement (RFR) submitted with the required documentation.
 - e) SRMC shall be reconciled against actual costs on a quarterly basis and annual basis.
 - f) If the Final Project Reconciliation results in a reduction of total project costs, any resulting SRMC overpayment shall be reimbursed back to the State for return to FEMA prior to FEMA Closeout.

This is FEMA project number **4337-334-R**. It is funded under HMGP, FEMA-4337-DR-FL and must adhere to all program guidelines established for the HMGP in accordance with the PAS Operational Agreement for Disaster 4337.

FEMA awarded this project on November 19, 2019; this Agreement was executed on March 4, 2020, and the Period of Performance for this project shall end on **August 31, 2024**.

F) FINANCIAL CONSEQUENCES:

If the Sub-Recipient fails to comply with any term of the award, the Division shall take one or more of the following actions, as appropriate in the circumstances:

- 1) Temporarily withhold cash payments pending correction of the deficiency by the Sub-Recipient;
- 2) Disallow all or part of the cost of the activity or action not in compliance;
- 3) Wholly or partly suspend or terminate the current award for the Sub-Recipient's program;
- 4) Withhold further awards for the program; or
- 5) Take other remedies that may be legally available.

SCHEDULE OF WORK

State Contracting:	4 Months
Construction Plan/Technical Specifications:	4 Months
Bidding / Local Procurement:	16 Months
Permitting:	4 Months
Construction / Installation:	18 Months
Local Inspections / Compliance:	4 Months
State Final Inspection / Compliance:	4 Months
Closeout Compliance:	3 Months
Total Period of Performance:	57 Months

BUDGET**Line Item Budget***

	Project Cost	Federal Cost	Non-Federal Cost
Materials:	\$8,231,595.00	\$6,173,696.25	\$2,057,898.75
Labor:	\$1,069,000.00	\$801,750.00	\$267,250.00
Fees:	\$474,000.00	\$355,500.00	\$118,500.00
Initial Agreement Amount:	\$9,774,595.00	\$7,330,946.25	\$2,443,648.75
***Contingency Funds:	\$0.00	\$0.00	\$0.00
Project Total:	\$9,774,595.00	\$7,330,946.25	\$2,443,648.75
****SRMC			
SRMC:	\$92,759.63	\$92,759.63	
SRMC-Pre-Award:	\$0.00	\$0.00	
SRMC Total:	\$92,759.63	\$92,759.63	

**Any line item amount in this Budget may be increased or decreased 10% or less, with the Division's approval, without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

***** This project has an estimated \$0.00 in contingency funds.** Per FEMA Hazard Mitigation Assistance Guidance Part VI, D.3.4 – Contingency funds are not automatically available for use. Prior to their release, contingency funds must be re-budgeted to another direct cost category and identified. Post-award changes to the budget require prior written approval from the Division (FDEM). The written request should demonstrate what unforeseen condition related to the project arose that required the use of contingency funds.

Project Management costs are included for this project in the amount of \$0.00

****** Sub-Recipient Management Costs (SRMC) are included for this project in the amount of \$92,759.63 in Federal funding.** Per the Hazard Mitigation Grant Program Interim FEMA Policy 104-11-1, SRMC provides HMGP funding to Sub-Recipients to efficiently manage the grant and complete activities in a timely manner. SRMC must conform to 2 CFR Part 200, Subpart E, ensuring costs are reasonable, allowable, allocable and necessary to the overall project.

SRMC cannot exceed 5% of the approved total project costs awarded and shall be reimbursed at 5% for each Request for Reimbursement (RFR) submitted with the required documentation.

If the Final Project Reconciliation results in a reduction of total project costs, any resulting SRMC overpayment shall be reimbursed back to the State for return to FEMA prior to FEMA Closeout.

Funding Summary Totals

Federal Share:	\$7,330,946.25	(75.00%)
Non-Federal Share:	\$2,443,648.75	(25.00%)
Total Project Cost:	\$9,774,595.00	(100.00%)
SRMC (100% Federal)	\$92,759.63	



City of Dania Beach Finance Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Frank L. DiPaolo, Chief Financial Officer

SUBJECT: Approval of a Resolution authorizing the waiver of competitive bidding and purchase of professional consulting services from Raftelis Financial Consultants, Inc. utilizing the City of Daytona Beach, Florida General Services Contract No. 19632

Request:

The Finance Department requests approval of a Resolution authorizing the waiver of competitive bidding and purchase of professional consulting services from Raftelis Financial Consultants, Inc. utilizing the City of Daytona Beach, Florida General Services Contract No. 19632.

Background:

The City has engaged the services of Raftelis Financial Consultants, Inc. (Raftelis) for a thorough analysis of the City's Stormwater Assessment methodology and preparation of a revenue sufficiency report at a cost not to exceed Forty-Eight Thousand Nine Hundred Seventy-Eight Dollars (\$48,978.00), within the City Manager's purchase authorization.

The City has obtained a proposal from Raftelis for a review of the City's Fire Assessment Methodology and annual update report to include a revenue sufficiency analysis at a cost of Thirty-One Thousand Six Hundred Ninety-Eight Dollars (\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00). Raftelis has General Services Contract No. 19632 with the City of Daytona Beach dated March 4, 2020, and has agreed to extend the pricing under this agreement to the City.

The combined total cost of services provided by Raftelis this fiscal year will exceed the City's annual vendor threshold of Fifty Thousand Dollars (\$50,000.00) requiring City Commission approval. The City Administration recommends that the City Commission waive formal bidding and authorize the proposal from Raftelis in the amount of Thirty One Thousand Six Hundred Ninety Eight Dollars (\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00), utilizing the City of Daytona Beach, Florida General Services Contract No. 19632.

Budgetary Impact

Funding for the proposal totaling Thirty One Thousand Six Hundred Ninety Eight Dollars

(\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00) is made available and appropriated to Finance Professional Services Account No. 001-17-01-513-31-10 via transfers from within the Finance Department budget. Further, the City is authorized to exceed the proposal amount for minor changes to the scope and/or actual out-of-pocket expenses, subject to the availability of funds.

Recommendation

Approve the Resolution authorizing the waiver of competitive bidding and purchase of professional consulting services from Raftelis Financial Consultants, Inc. utilizing the City of Daytona Beach, Florida General Services Contract No. 19632.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF PROFESSIONAL SERVICES FROM RAFTELIS FINANCIAL CONSULTANTS, INC., WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, UTILIZING THE CITY OF DAYTONA BEACH, FLORIDA GENERAL SERVICES CONTRACT NO. 19632; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the City of Dania Beach, Part III, Article 3, Section 4, Subsection (j), authorizes the City Manager to purchase supplies, services, equipment and materials for the City government in amounts in excess of the established monetary threshold without competitive bidding and without advertisement for bids if he/she is authorized to do so in advance by a resolution adopted by the City Commission and if such purchases are made pursuant to a competitive bid obtained within the last eighteen (18) months by other government agencies, such as the federal government, state of Florida or a Florida municipality or county; and

WHEREAS, the Dania Beach Code of Ordinances, Chapter 2, Article 1, Section 2-10, “Monetary thresholds for certain purchases and payment disbursement authorizations”, Subsection (a), sets the monetary threshold or limitation at \$50,000.00; and

WHEREAS, the City has engaged the services of Raftelis Financial Consultants, Inc. (Raftelis) for a thorough analysis of the City’s Stormwater Assessment methodology and preparation of a revenue sufficiency report at a cost not to exceed Forty-Eight Thousand Nine Hundred Seventy-Eight Dollars (\$48,978.00), within the City Manager’s purchase authorization; and

WHEREAS, the City has obtained a proposal from Raftelis for A review of the City’s Fire Assessment Methodology and annual update report to include a revenue sufficiency analysis at a cost of Thirty-One Thousand Six Hundred Ninety-Eight Dollars (\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00); and

WHEREAS, the combined total cost of services provided by Raftelis will exceed the City’s annual vendor threshold of Fifty Thousand Dollars (\$50,000.00) requiring City Commission approval; and

WHEREAS, the City Administration recommends that the City Commission waive formal bidding and authorize the proposal from Raftelis in the amount of Thirty One Thousand Six Hundred Ninety Eight Dollars (\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00), utilizing the City of Daytona Beach, Florida General Services Contract No. 19632.

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

Section 1. That the foregoing “Whereas” clauses are ratified and confirmed to be true and correct, and they are made a part of and are incorporated into this Resolution by this reference.

Section 2. That the proper City officials are authorized to execute the necessary documents for the purchase of professional services from Raftelis exceeding the annual vendor threshold of Fifty Thousand Dollars (\$50,000.00) under City of Daytona Beach, Florida General Services Contract No. 19632.

Section 3. That funding for the proposal totaling Thirty-One Thousand Six Hundred Ninety-Eight Dollars (\$31,698.00) plus expenses estimated at One Thousand Nine Hundred Two Dollars (\$1,902.00) is made available and appropriated to Finance Professional Services Account No. 001-17-01-513-31-10 via transfers from within the Finance Department budget.

Section 4. That the City is authorized to exceed the proposal amount for minor changes to the scope and/or actual out-of-pocket expenses, subject to the availability of funds.

Section 5. That the proposal from Raftelis is made a part of and incorporated into this Resolution by this reference as Exhibit “A”.

Section 6. That all resolutions or parts of resolutions in conflict with this Resolution shall be repealed to the extent of such conflict.

Section 7. That this Resolution shall be effective 10 days after passage.

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PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

February 26, 2024

Mr. Frank DiPaolo
Chief Financial Officer
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Subject: **Work Authorization No. 2 – Utility Consulting Services – Non-ad Valorem Fire Assessment Rate Update**

Dear Mr. DiPaolo:

As requested, Raftelis Financial Consultants, Inc. (“Raftelis”) is pleased to submit this Work Authorization No. 2 for consideration by the City of Dania Beach (“City”) to provide certain utility and financial consulting services on behalf of its existing non-ad valorem fire assessment. As discussed with the City, the purpose of the Work Authorization is for Raftelis to prepare an update to the revenue sufficiency forecast for the annual non-ad valorem fire assessment and to calculate the appropriate rates to charge for the October 2024 tax bill.

The attached Work Authorization No. 2 is being issued pursuant to the Piggyback Agreement – City of Daytona Beach, Florida, General Services Contract No. 19632 dated March 4, 2020 (the “Agreement”). The scope of services for Work Authorization No. 2 is included as Attachment A.

We appreciate the opportunity to submit this work authorization to the City and look forward to assisting the City in its ongoing evaluation of the utility system operations.

Very truly yours,

RAFTELIS FINANCIAL CONSULTANTS, INC.



Joe Williams
Senior Manager

Attachments

**CITY OF DANIA BEACH, FLORIDA
WORK AUTHORIZATION TO
RAFTELIS FINANCIAL CONSULTANTS, INC.
FOR
NON-AD VALOREM FIRE ASSESSMENT RATE UPDATE**

WORK AUTHORIZATION NO. 2

Project Title:	Non-ad Valorem Fire Assessment Rate Update
Project Description:	Services that may be performed under this Work Authorization, would include, but not be limited to, the following: 1. Prepare a financial forecast for a ten- (10) year period to identify the estimated financial obligations of the City's Fire Department. 2. Prepare the required annual assessment roll, based on the calculated rates for service for each type of development and property specific characteristics. 3. Providing documentation and reviews to the City regarding the calculated fire assessment rates along with strategic financial considerations regarding capital financing strategies. 4. Present findings of the fire assessment rate study analysis to the City Commission for its consideration. 5. Provide implementation assistance.
Scope of Services:	Reference Attachment A
Municipal Financial Advisor Disclosure:	Reference Attachment B
Direct Labor Hourly Rates:	Reference Attachment C
Project Cost/Budget:	\$33,600.00; reference Attachment D
Project Schedule:	Project completion no later than September 15, 2024; based on data availability
Method of Invoice:	Monthly; hourly basis plus reimbursables on a not-to-exceed basis

Work Authorization Approval:
City of Dania Beach, Florida

By

Title Date

Raftelis Financial Consultants, Inc.



By: Joe Williams

Senior Manager February 26, 2024

Title Date

ATTACHMENT A

WORK AUTHORIZATION NO. 2

CITY OF DANIA BEACH, FLORIDA NON-AD VALOREM FIRE ASSESSMENT RATE UPDATE

SCOPE OF SERVICES

Scope of Services

The scope of work will be to update the City's current Fire Service Assessment (Assessment). The scope will be to conduct a ten year revenue sufficiency analysis and will not include evaluation of the cost apportionment methodology or the apportionment of costs to specific parcels. The revenue sufficiency analysis will include all annual operations and capital costs of the of the Fire Department (exclusive of costs associated with Emergency Medical Services (EMS), which cannot be included in the Fire Assessment.

We will develop an interactive Fire Service Assessment Revenue Sufficiency Model that will 1) project the proposed Fire Service expenses over a ten year projection period, evaluate reserve requirements, determine annual revenue requirements over the projection period, the percent adjustment in overall Fire Service revenue required, apply that percent adjustment to the Fire Service Assessment rate for each parcel and produce a Preliminary Assessment Roll.

The results of the revenue sufficiency analysis will be an overall percentage adjustment required for the Assessment which will then be applied to the assessment rate for each parcel to develop an updated assessment roll. We will conduct interactive review sessions with City staff to review the preliminary results and we will present the final results to the City Commission in a workshop and will also attend a Public Hearing for adoption of the update assessments.

We have developed a Task Plan, which is presented in the following section, that specifically defines the scope of work, and identifies the tasks and sub-tasks that we will accomplish during the Project.

TASK PLAN

TASK 1 INITIATE THE PROJECT

- 1.1 Conduct project kick-off meeting via internet conference to validate project objectives, determine project schedule milestones, project responsibilities and data requirements.
- 1.2 Prepare project schedule with key milestones and responsibilities.

TASK 2 DEVELOP TEN YEAR FIRE SERVICE FINANCIAL PLAN

- 2.1 Gather and compile historical and current revenue and expense data for the Fire Service Assessment.
- 2.2 Initialize the Raftelis Financial Sustainability Model (Model), run the model and produce a preliminary a ten year financial management plan that will identify the annual revenue requirements of the Fire

Service Assessment over a ten-year projection period and will determine the overall increase in revenue required in each year of the projection period. The financial management plan will include the following:

- a. Projected Fire Service Assessment revenue and expenses to include consideration of the following items:
- b. Capital Improvements Program
 - Project listing by year
 - Optimum funding source by project by year
- d. Borrowing Program
 - Borrowing required (by source) to fund CIP projects not funded by other sources to include short term financing for short lived assets such as rolling stock and long term financing for long lived assets such as fire stations.
 - Timing of borrowing(s)/loan(s) to provide required borrowed funds
- Annual debt service (principal and interest) of borrowings(s)/loan(s)
- e. Revenue Sufficiency Analysis
 - Annual revenue projections
 - Annual Fire Assessment across-the-board rate/fee adjustment plan to provide sufficient revenues over the forecast period.
- f. Sources and Uses of Funds Analysis
- g. Funds Analysis
 - Spend down limits (minimum reserve requirements) by fund
 - Beginning and ending funds balances by fund by year
- h. Comparative survey of other Fire Service Assessments

2.3 Review preliminary output with Raftelis consulting team.

2.4 Make adjustments and re-run the Model.

2.5 Prepare scenarios for interactive review session with City staff.

2.6 Conduct an interactive review session with City staff to review the preliminary results of the ten year projection of the sufficiency of revenues for the provision of Fire Services.

2.7 Make adjustments based upon input from City staff.

2.8 Conduct a second interactive review session with City staff to review the adjusted results of the ten year projection of the sufficiency of revenues for the provision of Fire Services and make any final adjustments.

TASK 3 PREPARE FIRE SERVICE ASSESSMENT ROLL

3.1 Prepare the preliminary Fire Service Assessment Roll based upon property data from the County Property Appraiser and the results of the Study.

3.2 Review preliminary Fire Service Assessment Roll with City staff in interactive work session.

3.3 Make adjustments to the preliminary Fire Service Assessment Roll based upon input from City staff.

3.4 Produce the adjusted preliminary Fire Service Assessment Roll.

TASK 4 REVIEW PRELIMINARY FIRE SERVICE ASSESSMENT RESULTS WITH CITY MANAGEMENT AND THE CITY COMMISSION.

- 4.1 Prepare a presentation of the preliminary Fire Service Assessment results.
- 4.2 Present the preliminary Fire Service Assessment results to City Management and adjust as appropriate.
- 4.3 Present the preliminary Fire Service Assessment results to the City Commission in a work shop meeting and ask for permission to advertise the public hearing.
- 4.4 Make adjustments as required based upon input from City Management and the City Commission.

TASK 5 PREPARE AND PRESENT A REPORT OF THE RESULTS OF THE STUDY

- 5.1 Prepare a Draft Report
- 5.2 Review the Draft Report with City staff.
- 5.3 Prepare the Final Report.
- 5.4 Present the Final Report to the City Commission.

TASK 6 PROVIDE IMPLEMENTATION ASSISTANCE

- 6.1 Conduct a conference call with the City staff and the City Attorney to discuss the ordinances and to provide the City Attorney with the required information and schedules of Fire Service Assessments for inclusion in the ordinances.
- 6.2 City Attorney to prepare draft ordinances. --- Not Included in the Scope of this Study ---
- 6.3 Review draft ordinances and prepare comments. --- Not Included in the Scope of this Study ---
- 6.4 Review comments regarding the draft ordinances via a conference call with City staff and the City Attorney. --- Not Included in the Scope of this Study ---
- 6.5 City Attorney to prepare final ordinances. --- Not Included in the Scope of this Study ---
- 6.6 Review final ordinance/resolution.
- 6.7 Attend public hearings for adoption:
 - a. Prepare for the public hearing.
 - b. Attend one (1) public hearing for adoption.
- 6.8 Prepare Final Fire Service Assessment Roll for certification by the City.

A detailed version of this this Task Plan is also presented in Attachment D with our assignment of consultant-hours by sub-task, our detailed fee proposal, and an indication as to whether City staff involvement is required for each sub-task.

Fee

A Fee Summary is presented on the following page, and the detailed calculations of the proposed fee are presented in the Project Work Plan and Fee Estimate Schedules in Attachment D.

Fee Summary

Tasks		Rev. Suff. Only	
		Hours	Fee
TASK 1	INITIATE THE PROJECT	5	\$1,191
TASK 2	DEVELOP TEN YEAR FIRE SERVICE FINANCIAL PLAN	39	\$8,137
TASK 3	PREPARE FIRE SERVICE ASSESSMENT ROLL	20	\$4,260
TASK 4	REVIEW PRELIMINARY FIRE SERVICE ASSESSMENT RESULTS WITH CITY MANAGEMENT AND THE CITY COMMISSION.	22	\$5,106
TASK 5	PREPARE AND PRESENT A REPORT OF THE RESULTS OF THE STUDY	30	\$6,642
TASK 6	PROVIDE IMPLEMENTATION ASSISTANCE	28	\$6,362
TOTAL FEE		144	\$31,698
ESTIMATED EXPENSES			\$1,902
TOTAL PROJECT			\$33,600

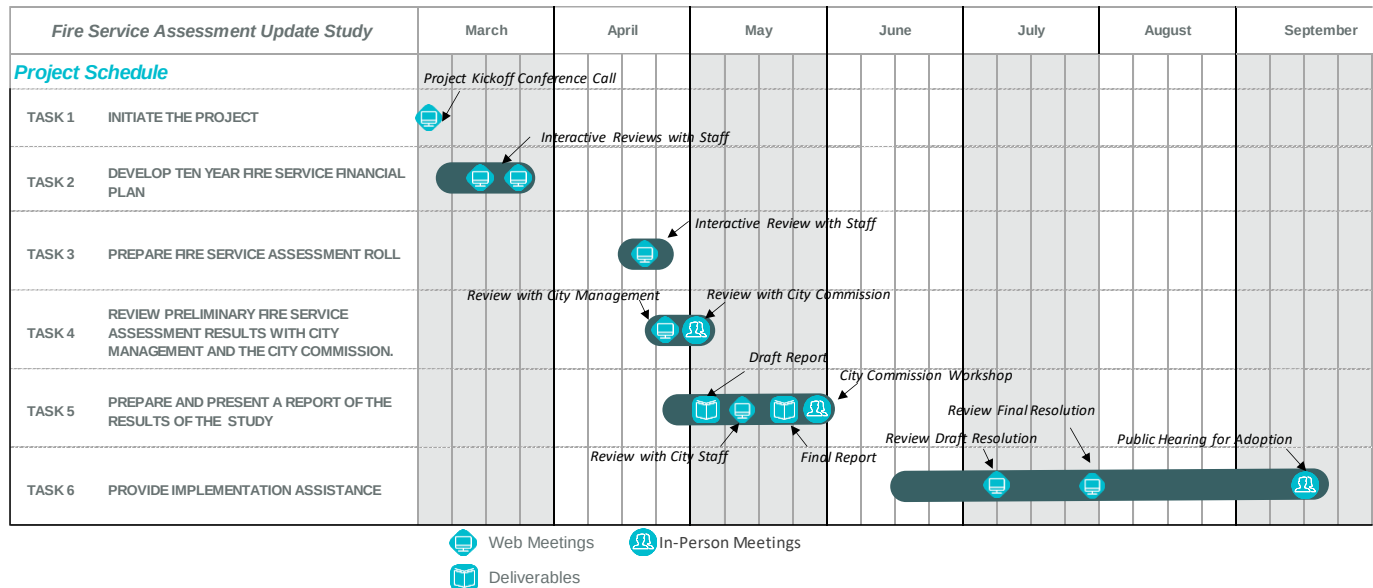
It is our practice to invoice monthly on a time and expenses basis for the work completed during the billing period and payment is due within 30 days.

To the extent that additional analysis or attendance at additional meetings are required and requested by you, we will invoice for those services at our hourly rates, plus actual out-of-pocket expenses.

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Delivery Schedule

We can begin this engagement immediately and estimate that it can be completed within 90 days. A Schedule by task is presented below.



CITY STAFF ASSISTANCE

As with any major study performed, City staff may be called upon to assist Raftelis to complete the engagement on a timely basis. The following is a list of the tasks anticipated to be performed by the staff of the City:

1. The gathering of specific property, operational and budget data, and other information such as fire calls for service that will be imperative to perform the project.
2. The performance of certain analysis relative to the compiling of data if not in a usable format in general records and reports of the City.
3. Assistance in the formulation of policy decisions relative to cost or need determination, cost allocation and rate design. An example would include rate phasing alternatives, capital improvements project prioritization, alternative scenario evaluations, etc.
4. Assistance in Public Relations Program, scheduling of the City Commission meetings, and communication of the “political” aspects of the project; and
5. General review and providing of comments relative to the results of our analyses and reports to the City.

ADDITIONAL SERVICES

During the study, the City may request additional services relative to this Work Authorization from Raftelis. Such services will not be conducted until authorized by the City as mutually agreed between the City and

Raftelis. The City will be billed for such additional services based on the hourly rate schedule of Raftelis members as identified in the Agreement or some other basis as mutually agreed between the City and Raftelis.

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ATTACHMENT B

WORK AUTHORIZATION NO. 2

CITY OF DANIA BEACH, FLORIDA NON-AD VALOREM FIRE ASSESSMENT RATE UPDATE

FINANCIAL ADVISOR DISCLOSURE

As a registered Municipal Advisor under the Dodd-Frank Act, Raftelis is required to inform our clients of any existing or potential conflicts of interest that may be relevant to any proposed scope of services that may include providing “advice” as that term is defined in the Dodd-Frank Act. As of the date of this engagement letter, no conflicts of interest are known to exist.

Under the Dodd-Frank Act the definition of “advice” includes providing any opinion, information or assumptions related to the size, timing and terms of possible future debt issues or borrowing. This type of information may be integrated into the capital and financial planning components of a rate model update. This definition is applicable regardless of whether this information is developed and used solely for planning and decision-making purposes. For the services addressed in the scope of work identified for this engagement, any information that is developed by Raftelis that falls under this definition of municipal advice is not intended to represent a recommendation that the City should issue debt based on the terms and assumptions used to develop the financial plan or forecast, or that the City will, in fact, be able to issue debt under the exact terms and conditions assumed and used to develop the financial plan or forecast. The information developed as part of the services being requested and where applicable, including any related municipal advice, is intended only to provide information useful in evaluating the potential impact on the non-ad valorem fire assessment rate and future rate needs or adjustments of one potential course of action for the City. If the City decides at some future date to issue debt, then at that time the City will need to engage an independent, registered Financial Advisor to assist in evaluating the availability of different types of debt, and the specific terms and conditions for issuing debt, which will be affected by market conditions and the City’s credit rating at the time of issuance. At that time, as a registered Municipal Advisor, Raftelis can also provide additional assistance related to a specific bond or debt issue, such as preparing a bond feasibility report or financial forecast for inclusion in bond documents, without requiring additional oversight or supervision by the Financial Advisor.

By issuing a purchase order that includes the terms of this Task Authorization, the City is indicating its approval and acceptance of the of the proposed scope of work and fees, the City is also explicitly acknowledging that Raftelis has provided the necessary disclosures addressing conflicts of interest and any limitations on the scope of Municipal Advisory services to be provided by Raftelis as part of this engagement.

The Municipal Securities Rulemaking Board (“MSRB”) provides significant protections for municipal entities and obligated persons that are clients of a municipal advisor. To understand the protections provided and how to file a complaint with an appropriate regulatory authority, visit the MSRB web site at www.msrb.org.

ATTACHMENT C

CITY OF DANIA BEACH, FLORIDA

SCHEDULE OF DIRECT LABOR HOURLY RATES AND STANDARD COST RATES

DIRECT LABOR HOURLY RATES

Project Team Title	Direct Labor Hourly Rates
Principal	\$277.00
Associate	\$233.00
Managing Consultant	\$216.00
Principal Consultant	\$194.00
Supervising Consultant	\$171.00
Senior Consultant	\$149.00
Rate Consultant	\$138.00
Consultant	\$127.00
Senior Rate Analyst	\$116.00
Rate Analyst	\$ 99.00
Analyst	\$ 82.00
Assistant Analyst	\$ 66.00
Administrative	\$ 77.00

STANDARD COST RATES

Expense Description	Standard Rates
Mileage Allowance – Personal Car Use Only	IRS Standard Mileage Rate
Reproduction (Black and White) (In-house)	\$0.05 per Page
Reproduction (Color) (In-house)	\$0.25 per Page
Reproduction (Contracted)	Actual Cost
Computer Time	\$0.00 per Hour
Telephone Charges	Actual Cost
Delivery Charges	Actual Cost
Lodging / Other Travel Costs	Actual Cost
Meals – per Employee	Standard per diem rates as established by Florida Statutes 112.061 for Class C travel for breakfast, lunch, and dinner
Subconsultant Services	Actual Cost
Other Costs for Services Rendered	Actual Cost

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Dania Beach, Florida
Fire Service Assessment Update Study
PROJECT TASK PLAN & FEE ESTIMATE
ATTACHMENT D

PROJECT TASKS			ESTIMATED CONSULTANT HOURS				Total Hours	Revenue Sufficiency Only Fee
			Project Principal Thomas	Project Manager Williams	Project Consultant van Malssen	Technical Advisor Burton		
			Internet	On site				
			\$277	\$233	\$171	\$277		
<u>TASK 1</u>	<u>INITIATE THE PROJECT</u>							
1.1	Conduct project kick-off meeting via internet conference to validate project objectives, determine project schedule milestones, project responsibilities and data requirements.	1	1	1	1	1	4	\$958
1.2	Prepare project schedule with key milestones and responsibilities.		0	1	0	0	1	\$233
Total Task 1			1	2	1	1	5	\$1,191
<u>TASK 2</u>	<u>DEVELOP TEN YEAR FIRE SERVICE FINANCIAL PLAN</u>							
2.1	Gather and compile historical and current revenue and expense data for the Fire Service Assessment. Initialize the Raftelis Financial Sustainability Model (Model), run the model and produce a preliminary a ten year financial management plan that will identify the annual revenue requirements of the Fire Service Assessment over a ten-year projection period and will determine the overall increase in revenue required in each year of the projection period. The financial management plan will include the following:		1	1	2	0	4	\$852
2.2	a. Projected Fire Service Assessment revenue and expenses to include consideration of the b. Capital Improvements Program c. - Project listing by year - Optimum funding source by project by year d. Borrowing Program - Borrowing required (by source) to fund CIP projects not funded by other sources to include short term financing for short lived assets such as rolling stock and long term financing for long lived assets such as fire stations. - Timing of borrowing(s)/loan(s) to provide required borrowed funds - Annual debt service (principal and interest) of borrowings(s)/loan(s) e. Revenue Sufficiency Analysis - Annual revenue projections - Annual Fire Assessment across-the-board rate/fee adjustment plan to provide sufficient revenues over the forecast period. f. Sources and Uses of Funds Analysis g. Funds Analysis - Spend down limits (minimum reserve requirements) by fund - Beginning and ending funds balances by fund by year h. Comparative survey of other Fire Service Assessments		1	2	8	0	11	\$2,111

Dania Beach, Florida
Fire Service Assessment Update Study
PROJECT TASK PLAN & FEE ESTIMATE
ATTACHMENT D

PROJECT TASKS				ESTIMATED CONSULTANT HOURS				Total Hours	Revenue Sufficiency Only Fee		
				Project Principal Thomas	Project Manager Williams	Project Consultant van Malsen	Technical Advisor Burton				
										Meetings	
				Internet	On site	\$277	\$233	\$171	\$277		
2.3	Review preliminary output with Raftelis consulting team.					1	1	1	1	4	\$958
2.4	Make adjustments and re-run the Model.					1	1	2	0	4	\$852
2.5	Prepare scenarios for interactive review session with City staff.					0	1	2	0	3	\$575
2.6	Conduct an interactive review session with City staff to review the preliminary results of the ten year projection of the sufficiency of revenues for the provision of Fire Services.			1		0	2	2	2	6	\$1,362
2.7	Make adjustments based upon input from City staff.					0	1	2	0	3	\$575
2.8	Conduct a second interactive review session with City staff to review the adjusted results of the ten year projection of the sufficiency of revenues for the provision of Fire Services and make any final adjustments.			1		1	1	2	0	4	\$852
Total Task 2						5	10	21	3	39	\$8,137
TASK 3 <u>PREPARE FIRE SERVICE ASSESSMENT ROLL</u>											
3.1	Prepare the preliminary Fire Service Assessment Roll based upon property data from the County Property Appraiser and the results of the Study.					1	2	6	1	10	\$2,046
3.2	Review preliminary Fire Service Assessment Roll with City staff in interactive work session.			1		0	1	1	1	3	\$681
3.3	Make adjustments to the preliminary Fire Service Assessment Roll based upon input from City staff.					0	1	2	0	3	\$575
3.4	Produce the adjusted preliminary Fire Service Assessment Roll.					1	1	1	1	4	\$958
Total Task 3						2	5	10	3	20	\$4,260
TASK 4 <u>REVIEW PRELIMINARY FIRE SERVICE ASSESSMENT RESULTS WITH CITY MANAGEMENT AND THE CITY COMMISSION.</u>											
4.1	Prepare a presentation of the preliminary Fire Service Assessment results.					1	1	2	1	5	\$1,129
4.2	Present the preliminary Fire Service Assessment results to City Management and adjust as appropriate.			1		0	1	1	1	3	\$681
4.3	Present the preliminary Fire Service Assessment results to the City Commission in a work shop meeting and ask for permission to advertise the public hearing.				1	0	4	0	4	8	\$2,040
4.4	Make adjustments as required based upon input from City Management and the City Commission.					1	2	3	0	6	\$1,256
Total Task 4						2	8	6	6	22	\$5,106
TASK 5 <u>PREPARE AND PRESENT A REPORT OF THE RESULTS OF THE STUDY</u>											
5.1	Prepare a Draft Report					1	2	8	1	12	\$2,388
5.2	Review the Draft Report with City staff.			1		1	1	1	0	3	\$681
5.3	Prepare the Final Report.					1	2	3	1	7	\$1,533
5.4	Present the Final Report to the City Commission.				1	0	4	0	4	8	\$2,040
Total Task 5						3	9	12	6	30	\$6,642

Dania Beach, Florida
Fire Service Assessment Update Study
PROJECT TASK PLAN & FEE ESTIMATE
ATTACHMENT D

PROJECT TASKS			ESTIMATED CONSULTANT HOURS				Total Hours	Revenue Sufficiency Only Fee		
			Project Principal	Project Manager	Project Consultant	Technical Advisor				
			Thomas	Williams	van Malssen	Burton				
			Meetings							
			Internet	On site	\$277	\$233	\$171	\$277		
<u>TASK 6</u> <u>PROVIDE IMPLEMENTATION ASSISTANCE</u>										
6.1	Conduct a conference call with the City staff and the City Attorney to discuss the ordinances and to provide the City Attorney with the required information and schedules of Fire Service Assessments for inclusion in the ordinances.		1		1	1	1	1	4	\$958
6.2	City Attorney to prepare draft ordinances.				0	0	0	0	0	\$0
6.3	Review draft ordinances and prepare comments.				0	1	1	0	2	\$0
6.4	Review comments regarding the draft ordinances via a conference call with City staff and the City Attorney.		1		0	1	1	1	3	\$0
6.5	City Attorney to prepare final ordinances.				0	0	0	0	0	\$0
6.6	Review final ordinances.				0	1	1	1	3	\$681
6.7	Attend public hearings for adoption:									
	a.	Prepare for the public hearings.			1	2	3	0	6	\$1,256
	b.	Attend one (1) public hearing for adoption.		1	0	4	0	4	8	\$2,040
6.8	Prepare Final Fire Service Assessment Roll for certification by the City.				0	2	4	1	7	\$1,427
<u>Total Task 6</u>					2	12	11	8	33	\$6,362
TOTAL ESTIMATED CONSULTANT-HOURS			10	4	23	66	90	36	215	
TOTAL ESTIMATED CONSULTING FEE					\$6,371	\$15,378	\$15,390	\$9,972		\$31,698
ESTIMATED EXPENSES @ 6%										\$1,902
TOTAL ESTIMATED COST										\$33,600

RESOLUTION NO. 2024-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, DELINEATING THE CITY COMMISSION’S POLICY RELATING TO CODESIGNATION OF STREETS REQUIRING THE CITY COMMISSION TO COVER ALL COSTS OF CODESIGNATION UP TO TEN THOUSAND DOLLARS (\$10,000.00) PER REQUEST; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission updated the City Code to require the City to pay for the notices, cost of manufacturing of signs, and installation of co-designation signs on all approved co-designations; and

WHEREAS, the City Commission has directed that a policy be created that the City Commission utilize up to Ten Thousand Dollars (\$10,000.00), per co-designation to cover the cost of the application fee, any permits, notice, signage creation and installation.

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

Section 1. That the foregoing “Whereas” clauses are ratified and confirmed to be true and correct, and they are made a part of and are incorporated into this Resolution by reference.

Section 2. That it is the City Commission’s policy that the City Commission utilize up to Ten Thousand Dollars (\$10,000.00) per co-designation, to cover the cost of the application fee, any permits, notice, and signage creation and installation of authorized co-designated streets.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Finance Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Frank L. DiPaolo, Chief Financial Officer

SUBJECT: Approval of a Resolution authorizing a mid-year budget amendment in the Water Utility Fund and Sewer Utility Fund

Request:

The Finance Department requests approval of a Resolution authorizing a mid-year budget amendment in the Water Utility Fund and Sewer Utility Fund to appropriate funding for projects requiring funding that was not otherwise contemplated in the adopted budgets.

Background:

The City Commission adopted Resolution No. 2023-114 providing for adoption of the Fiscal Year 2023-24 annual budget for the Water Utility Fund and Sewer Utility Fund.

In the months since, the City Commission has approved projects which require funding that was not otherwise contemplated in the adopted budgets, including:

- The Advanced Metering Infrastructure (AMI) smart city water meter system that will enhance customer access to water billing and streamline the monthly billing process; and
- The rehabilitation of a Lift Station that did not have a funding plan.

The City Administration recommends that the City Commission approve a mid-year budget amendment to provide funding for these initiatives and investments. In accordance with Florida Statutes 166.241, a public hearing has been publicly noticed and conducted prior to consideration of the proposed budget amendment.

Budgetary Impact

The total cost of the recommended initiatives and investments is \$5,150,000.00 broken down as follows:

AMI Smart City system	1,500,000.00
Sewer Lift Station	3,400,000.00
Total Appropriations:	\$ 4,900,000.00

Recommendation

Approve the Resolution authorizing a mid-year budget amendment in the Water Utility Fund and Sewer Utility Fund.

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR AN AMENDED BUDGET APPROPRIATION FOR FISCAL YEAR 2023-2024 IN THE WATER UTILITY FUND AND SEWER UTILITY FUND; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution No. 2023-114 providing for the adoption of the Fiscal Year 2023-24 annual budget for the Water Utility Fund and Sewer Utility Fund; and

WHEREAS, on January 23, 2024, the City Commission authorized an amendment to the American Rescue Plan Act – State and Local Fiscal Recovery Fund (ARPA-SLFRF) projects and expenditures plan, to include funding for an Advanced Metering Infrastructure (AMI) water meter system and the rehabilitation of one (1) Sewer Utility Lift Station; and

WHEREAS, the City Administration recommends that the City Commission approve a mid-year budget amendment to provide funding for the Projects; and

WHEREAS, in accordance with Florida Statutes 166.241, a public hearing has been publicly noticed and conducted prior to consideration of the proposed budget amendment.

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

Section 1. That the above “Whereas” clauses are true and correct, and they are made a part of and incorporated into this Resolution by this reference.

Section 2. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 3. That the cost for the Water and Sewer Projects will be funded by a transfer from the ARPA-SLFRF Fund 150 to the Water Utility Fund 401 and Sewer Utility Fund 402.

Section 4. That upon adoption of this Resolution, the budget amendment detailed in “Exhibit A,” which has been made a part of and incorporated into this Resolution by this reference, will be posted increasing total appropriations in the Water Utility Fund by \$750,000.00 and in the Sewer Utility Fund by \$4,150,000.00.

Section 5. That this Resolution shall become effective within ten (10) days of its passage and adoption.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION:

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

Exhibit A
Mid-Year Budget Amendment Detail

ARPA-SLFRF Fund (150)

Sources

Appropriated Fund Balance	+ \$ 4,900,000.00
Total Appropriations	+ \$ 4,900,000.00

Uses

Transfer to Water Utility Fund	+ \$ 750,000.00
Transfer to Sewer Utility Fund	+ \$ 4,150,000.00
Total Expenditures	+ \$ 4,900,000.00

Water Utility Fund (401)

Sources

Transfer From ARPA-SLFRF Fund	+ \$ 750,000.00
Total Appropriations	+ \$ 750,000.00

Uses

Water Fund Accounting – Capital Investment	+ \$ 750,000.00 (AMI System – 50%)
Total Expenditures	+ \$ 750,000.00

Sewer Utility Fund (402)

Sources

Transfer From ARPA-SLFRF Fund	+ \$ 4,150,000.00
Total Appropriations	+ \$ 4,150,000.00

Uses

Sewer Fund Accounting – Capital Investment	+ \$ 750,000.00 (AMI System – 50%)
Sewer Fund Collection – Capital Investment	+ \$ 3,400,000.00 (Lift Station)
Total Expenditures	+ \$ 4,150,000.00



City of Dania Beach Public Services Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Fernando J. Rodriguez, Public Services Director
Dincer A. Ozaydin, P.E. Deputy Director/City Engineer

SUBJECT: EXPENDITURE OF CITY FUNDS TO EXCEED \$1M FOR THE HISTORIC RESTORATION OF THE NYBERG-SWANSON HOUSE PROJECT

Request:

The Public Services Department (PSD) requests expenditure authorization of city funds exceeding \$1 million dollars for the Historic Restoration of the Nyberg-Swanson House Project (Project).

Background:

Nyberg-Swanson House is designated a historic property by the City of Dania Beach and listed on the National Register of Historic Places. The property is scheduled for restoration to its original condition and will also include improvements to its mechanical and plumbing systems.

On December 5, 2023, the City issued an Invitation to Bid for the Historic Restoration of the Nyberg-Swanson House Project. Two bids were received on January 18, 2024. The most responsive and responsible bid is \$1,194,410.28. The City Code requires the City Commission to approve an ordinance authorizing the expenditure of funds exceeding one million dollars. This item will be the first of two readings of the ordinance to authorize the approval of funds for the project.

Budgetary Impact

Funding in the amount of \$1,194,410.28 for this project will be appropriated from the Capital Projects Fund/Infrastructure Improvements other than Bldgs. Account No. 301-18-12-519-63-10.

Recommendation

It is recommended that the City Commission adopt an Ordinance to authorize the expenditure of City funds exceeding \$1 million dollars for the Historic Restoration of the Nyberg-Swanson House Project.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), TO FUND THE HISTORIC RESTORATION OF THE NYBERG-SWANSON HOUSE PROJECT; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2, “Certain Expenditures” of Article 3, “Powers of the City”, of the City Code of Ordinances, the City Commission must, by ordinance, approve any expenditures of City funds that exceed One Million Dollars (\$1,000,000.00) after two (2) advertised public hearings of the ordinance; and

WHEREAS, the City-issued Invitation to Bid (“ITB”) No. 23-025 for the “Historic Restoration of the Nyberg-Swanson House” (Project) exceeds the monetary threshold of \$1,000,000.00.

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

Section 1. That the above “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That the proper City officials are authorized to expend more than One Million Dollars (\$1,000,000.00) in funding the Project.

Section 3. Funding for this contract will be appropriated from Capital Projects Fund/Infrastructure Improvements other than Bldgs. Account No. 301-18-12-519-63-10.

Section 4. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director

SUBJECT: Authorize the expenditures of City funds exceeding one million dollars (\$1,000,000.00), to fund the Building Department renovation project.

Request:

Authorizing the expenditures of City funds exceeding one million dollars (\$1,000,000.00), which the actual project cost will be determined at bid award to fund the Building Department renovation project.

Background:

On November 8, 2023, the City issued an Invitation to bid ("ITB") No. 2023-023 for "Building Department Renovation Project" and on October 2, 2023, the City received eleven (11) response to ITB No. 2023-023, all of which came in over one million dollars (\$1,000,000.00).

The City Code of Ordinances requires any expenditures of City funds that exceeds One Million Dollars (\$1,000,000.00) must be approved by ordinance after two (2) advertised public hearings.

Budgetary Impact

The actual project cost will be determined at bid award to fund the Building Department renovation project at the next City Commission meeting.

Recommendation

The Community Development Department is recommending the City Commission approve the ordinance at first reading, authorizing the expenditures of City funds exceeding one million dollars (\$1,000,000.00), to fund the Building Department renovation project.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS (\$1,000,000.00), WHICH THE ACTUAL PROJECT COST WILL BE DETERMINED AT BID AWARD TO FUND THE BUILDING DEPARTMENT RENOVATION PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2, “Certain Expenditures” of Article 3, “Powers of the City”, of the City Code of Ordinances, the City Commission must, by ordinance approve any expenditures of City funds that exceeds One Million Dollars (\$1,000,000.00) after two (2) advertised public hearings of the ordinance; and

WHEREAS, City staff anticipates that funding for the Building Department Renovation Project will exceed the monetary threshold of \$1,000,000.00; and

WHEREAS, the project actual expenditure will be determined at the bid award.

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

Section 1. That the proper City officials are authorized to expend more than One Million Dollars (\$1,000,000.00) in connection with the Building Department Renovation Project.

Section 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 4. That this Ordinance shall take effect immediately at the time of its passage and adoption.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Vice Mayor Lewellen

SUBJECT: Ordinance Amending Code to Prohibit Camping on Public Property

Request:

To pass on first reading the ordinance amending Chapter 17 relating to prohibiting camping on public property.

Background:

The City has been reviewing best practices across the state relating to homelessness, vagrants, and protection of the City's sidewalks and passages. The proposed amendment to the City's existing camping prohibition is an update that incorporates the terms of the nearly identical City of Orlando camping ordinance, which was upheld by the United States Court of Appeals for the Eleventh Circuit in *Joel v. City of Orlando*, 232 F.3d 1353 (11th Cir. 2000). Courts have held that the prohibition on camping in public places furthers the legitimate governmental interests of protecting the public health and the safety of all persons, maintaining sanitation in public areas, and protecting the aesthetic nature of public areas, among other legitimate governmental interests.

Budgetary Impact

No budgetary impact anticipated.

Recommendation

That the City Commission approve the ordinance on first reading and schedule second reading, public hearing.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 17, ENTITLED “OFFENSES – MISCELLANEOUS” IN ORDER TO AMEND THE CITY'S EXISTING PROHIBITION ON CAMPING TO ENSURE THAT THE PROHIBITION AND ENFORCEMENT MEASURES CONTAINED IN THE CODE COMPLY WITH CONSTITUTIONAL REQUIREMENTS FOR SUCH ORDINANCES AS SET FORTH BY THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT IN *JOEL V. CITY OF ORLANDO*, 232 F.3D 1353 (11TH CIR. 2000); AND UPDATING THE CODE VIOLATIONS RELATING TO CAMPING; REPEALING SECTIONS 17.16 “ARREST AND TRIAL,” 17.15 “VAGRANTS”, AND 17-12.1, “SAME — PROHIBITED GENERALLY”, RELATING TO LOITERING PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the policy of the City of Dania Beach that public property, including, but not limited to, public sidewalks, streets, alleyways, parks, beaches, beach access areas, walkways, pathways, garages, buildings, promenades, and pedestrian malls should be readily accessible and available for use by residents, visitors and the public at large for their safe enjoyment; and

WHEREAS, the use of public areas by individuals for camping interferes with the rights of residents, visitors and the public to freely use public spaces for the purpose for which they were intended; and

WHEREAS, the prohibition on camping in public places in the City furthers the legitimate governmental interest in protecting the public health and the safety of all persons within the City; and

WHEREAS, the prohibition on camping in public places in the City furthers the legitimate governmental interest in maintaining sanitation in these areas; and

WHEREAS, the prohibition on camping in public places in the City furthers the legitimate governmental interest in protecting the aesthetic nature of these areas; and

WHEREAS, the City's beach is its most valuable natural asset; and

WHEREAS, the City's beach is are intended to be used solely for recreational purposes and is not intended to be used for sleeping or camping during nighttime hours when the beach and park is closed to the public; and

WHEREAS, the City's economic well-being is substantially dependent upon tourism which is, in turn, dependent upon maintaining attractive and inviting beach and pier, and permitting persons to sleep or camp upon the City's beach, pier, or parks during nighttime hours will negatively affect the appearance of the City's beach, pier and park; and

WHEREAS, persons asleep or camping on City beach, pier or parks during nighttime hours are exposed to the risk of harm from others or from the elements; and

WHEREAS, prohibiting persons from sleeping or camping upon the City's beach, pier or parks during nighttime hours will promote the public health, safety and welfare; and

WHEREAS, the prohibition on camping in public places in the City furthers other legitimate governmental interests that have been recognized by the state and federal courts; and

WHEREAS, this amendment to the City's existing camping prohibition ensures that the prohibition and enforcement measures contained herein comply with constitutional requirements for such ordinances as set forth by the United States Court of Appeals for the Eleventh Circuit in *Joel v. City of Orlando*, 232 F.3d 1353 (11th Cir. 2000).

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

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 17, entitled “Offenses – Miscellaneous” of the City’s Code of Ordinances, at Article I, “In General”, is amended to read as follows:

**CHAPTER 17
OFFENSES – MISCELLANEOUS**

ARTICLE 1. IN GENERAL

Sec. 17-11.3 Reserved. – Camping prohibited; indicia of camping.

(1) For the purposes of this section, "camping" is defined as:

(a) Sleeping or otherwise being in a temporary shelter out-of-doors:

(b) Sleeping out-of-doors; and/or

(c) Cooking over an open flame or fire out-of-doors.

(2) Camping is prohibited on all public property, except as may be specifically authorized by the appropriate governmental authority.

(3) Camping is prohibited on all private property in the City used for residential purposes; provided, however, that camping is permitted on such property with the permission and consent of the property owner.

(4) Indicia of camping. Local court rulings have held that in order to "camp", the suspect must do more than simply fall asleep on City property. There must be some indication of actual camping. One or more of the following should exist before an arrest under this section is appropriate:

(a) the property must be private or public property, including but not limited to highway overpasses and parking lots;

(b) the suspect is inside a tent or sleeping bag, or the suspect is asleep atop and/or covered by materials (i.e. bedroll, cardboard, newspapers), or inside some form of temporary shelter (except that an individual on a public beach during operational hours shall not be charged under this ordinance unless the officer identifies evidence that the beach is being used as a living space rather than for its intended purpose);

(c) the suspect has built a campfire; or

(d) the suspect is asleep and when awakened volunteers that he has no other place to live. If a law enforcement officer or other authorized official encounters a person engaged in camping who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to voluntarily enter a homeless shelter or similar facility within Broward, if available to that person, or to accept other available government assistance for which the person is eligible that would result in housing, including, but not limited to, mutually consensual reunification with family or friends in any location, or consensual placement in any other appropriate facility that provides housing within Broward County. If no homeless shelter or other facility, or government assistance, that would result in immediate housing, is available for which the person is eligible, an arrest may not be made.

(e) Upon arrest, evidence of camping (sleeping bags, bedroll, cardboard, newspapers, etc.), should not be destroyed, but should be seized and placed in the Police Department's Property and Evidence

rooms for safekeeping. Other personal property of the Defendant, which is not evidence, should be taken to the appropriate Broward County jail with the Defendant.

(5) Violation of this section shall be punished in accordance with section 1-8 of the City Code.

* * *

Sec. 17-12.1. Same—Prohibited generally.

~~(a) — Purpose. This measure is adopted by the City commission in response to an increasing permanent population of loiterers within certain areas of the City, which loiterers are causing fear and danger to Dania tourists and residents. The City commission, based on information from law enforcement officers and citizens, finds that there is within the City a population of loiterers who persist in obstructing pedestrian traffic, engaging in rude and offensive language, drunkenness and drug abuse, and that the presence of such persons prevents the police department from investigating and solving crimes within the City.~~

~~(b) — Statement of authority. The commission of the City of Dania enacts the following measure to protect life and property, pursuant to Chapter 166, Florida Statutes 1979 ("The Municipal Home Rule Powers Act"), and Part 1, Article 3 of the Charter of the City of Dania.~~

~~(c) — Prohibitions. No person shall prowl, sleep, loiter, stand, wander or congregate on the streets, sidewalks, beaches, parks, thoroughfares, piers, places of public amusement, or other public places, or in public entrances to private establishments, within the City of Dania, Florida:~~

~~(1) — So as to obstruct or impede pedestrian or vehicular traffic in a manner endangering public safety or threatening a breach of the peace;~~

~~(2) — In a manner warranting reasonable concern for the safety or security of persons or property in the vicinity;~~

~~(3) — After being reasonably requested by a police officer to disperse or move, when the failure to so comply reasonably threatens public safety or convenience;~~

~~(4) — Without apparent reason and refuse to identify himself or herself or account for his or her conduct when requested to do so by a police officer, under circumstances giving rise to reasonable suspicion that the person is engaged in or planning a crime or constitutes a threat to public peace or the personal safety or property of others; provided, however, that a mere refusal to identify himself or herself or account for his or her conduct shall not be sufficient grounds for arrest.~~

~~(d) — Enforcement. This section shall be enforced by, and the term "police officer" shall in this section mean and include, any sworn member of the police department of this municipality. No person shall be convicted under subsection (c)(4) of this section if the person reasonably attempted~~

to identify himself or to explain his conduct or to dispel any concern for the safety and security of persons and property in the vicinity.

(e) — *Penalties.* Every person who is convicted for a violation of this section shall be punished by imprisonment for up to sixty (60) days or by a fine of up to five hundred dollars (\$500.00), or both.

Editor's note(s) — Ord. No. 271, §§ 1—5, enacted July 28, 1981, was nonamendatory of the Code; hence, codification as § 17-12.1 has been at the editor's discretion.

Cross reference(s) — Loiterers and suspicious persons, § 17-5(c); vagrants, § 17-5(d).

* * *

Sec. 17-15. Reserved. Vagrants—Defined.

~~Rogues and vagabonds; idle or dissolute persons who go about begging; common gamblers; persons who use juggling or unlawful games or plays; common pipers and fiddlers; common drunkards; common nightwalkers; thieves and pilferers; traders in stolen property; lewd, wanton and lascivious persons in speech or behavior; keepers of gambling places; brawlers; persons who neglect their calling or employment, and misspend what they earn and do not provide for themselves or for the support of their families; persons wandering from place to place, who are able to work and who are without means, and who neglect to earn their support and live by pilfering and begging; idle and disorderly persons, including therein those who neglect all lawful business and habitually spend their time frequenting houses of ill fame, gambling houses or tippling shops; persons who are able to work but who are habitually idle and live upon the earnings of their wives or minor children; and all able-bodied male persons over eighteen (18) years of age who are without means of support, and whose parents or guardians are unable to support them, and who are not usually in attendance upon school or educational institution, but who live in habitual idleness, are declared to be vagrants, and shall be punished as provided in this Code.~~

Note(s) — As to probable invalidity of this section, see annotation to section 17-6 and the case there cited.

Sec. 17-16. Reserved. Same—Arrest and trial.

~~Upon proper information made upon oath before an officer authorized to act in such cases he shall issue his warrant for the arrest of any person therein named or described who is charged therein with being a vagrant under the provisions of section 17-15, and such warrant shall be executed by any police officer duly authorized thereto by the officer issuing such warrant. Any police officer may arrest any vagrant described in section 17-15 without a warrant in case delay in procuring one would probably enable such alleged vagrant to escape arrest. Any person so arrested by virtue of a warrant or without a warrant shall be given a speedy trial, and upon conviction shall be punished as provided in section 1-8 of this Code.~~

* * *

Section 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Commissioner James

SUBJECT: Ordinance Amending Chapter 16 Precluding Vacation Rental use of Recreational Vehicles

Request:

To pass on first reading the ordinance amending chapter 16, 'Vacation Rentals' to preclude the use of RV's for long term rental or short term rentals.

Background:

The City has had several complaints from single family districts that an RV or camper parked in a driveway is being lived in. This amendment clarifies the City's Code to clearly indicate that all mobile living units (mobile homes and recreational vehicles) that can be parked or stored at single family home parcels cannot be used for long term or short term rental use. This regulation does not apply to mobile home parks.

Budgetary Impact

No budgetary impact anticipated.

Recommendation

That the City Commission approve the ordinance on first reading and schedule second reading, public hearing.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS", AT SECTION 16-2, ENTITLED "VACATION RENTALS"; AMENDING SECTION 105-110, ENTITLED "PARKING AND STORAGE OF MOBILE LIVING UNITS", AND SECTION SEC. 105-140, ENTITLED "RESTRICTIONS ON PARKING COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS" TO CLARIFY THAT MOBILE HOMES OR RECREATIONAL VEHICLES (MOBILE LIVING UNITS) CANNOT BE LEASED FOR SHORT TERM OR LONG TERM RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to clarify the code to clearly state that all mobile living units (mobile homes and recreational vehicles) cannot be lived in nor rented for short term or long term rentals; and

WHEREAS, the City desires to update the code to try to protect the health, safety and welfare of the residents from criminals intending to use vacation rental properties for criminal purposes;

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

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That the following section of the City's Code of Ordinances is hereby amended to read as follows:

* * *

CHAPTER 16

VACATION RENTALS

* * *

Sec. 16-2. Vacation rentals.

- (a) *Applicability.* This chapter shall apply to a vacation rental, as defined in section 16-1, of a single-family dwelling, a two-family dwelling, a three-family dwelling, or a four-family dwelling. This chapter shall not apply to vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes more than four (4) individual dwelling units within such building or group of buildings. It is unlawful to use a mobile living unit (mobile home or recreational vehicle) for vacation rental use, or for short term or long term rental use.
- (b) *Vacation rentals prohibited unless in compliance with this chapter.* No person shall rent or lease all or any portion of a dwelling unit as a vacation rental as defined in section 16-1 without first (i) obtaining a business tax receipt from the city pursuant to chapter 15 of the Code, and (ii) complying with the regulations contained in this chapter. No person shall allow occupancy or possession of all or any portion of a dwelling unit as a vacation rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.

* * *

Sec. 105-110. Parking and storage of mobile living units.

- (A) *[Definition.]* As used in this section, the term "mobile living unit" shall mean and refer to mobile homes and house trailers.
- (B) *[Restrictions, exceptions.]* It shall be unlawful to park, store or place any mobile living unit at any site within the city, other than as follows:
- (1) As provided in subsection (C), below;
 - (2) At a trailer park that holds a valid business tax receipt;
 - (3) As a temporary use pursuant to section 675-20 (Temporary uses), for a period of time not exceeding seven (7) days' duration, provided that mobile living units converted and used exclusively as a construction office may be permitted as a temporary use for the duration of an active building permit for construction of a nonresidential principal building or expansion of such nonresidential principal building, and residential construction for three (3) or more dwelling units on a single lot or adjoining lots; or
 - (4) In any other manner for a period of more than six (6) consecutive hours, provided that such parking, storage or placement is not prohibited under another section of the code of ordinances.
- (C) *Exemption for sales lots.* The provisions of this section shall not apply to unoccupied mobile living units stored on the lots of trailer sales operators that hold a valid business tax receipt within the city where such unoccupied mobile living units are being held for sale.
- (D) *[Natural disasters.]* Notwithstanding subsection (B), the city manager may authorize temporary placement of mobile homes or other temporary housing within any zoning district following a natural disaster.
- (E) It is unlawful to use a mobile living unit for vacation rental use, or for short term or long term rental use.

* * *

Sec. 105-140. Restrictions on parking commercial and recreational vehicles in residential areas.

The following restrictions apply to the parking of commercial vehicles, recreational vehicles, special purpose vehicles, trailers, utility trailers or boats (collectively referred to as "regulated vehicles" only for the purpose of this section and section 105-130):

- (A) Every regulated vehicle permitted in residential areas, except special purpose vehicles and except those regulated vehicles that are parked and stored within a completely enclosed building, shall have affixed onto the vehicle a currently valid license tag or decal and vehicle inspection sticker registered to the vehicle.
- (B) All regulated vehicles shall be parked or stored with all wheels and tires mounted and inflated and shall be maintained in a movable condition. No regulated vehicle shall be supported to any degree by concrete blocks, jacks or any other means of support, except for:
 - (1) A truck-camper unit that has its own jack and is a structure designed to be mounted upon and carried by another vehicle; and
 - (2) A recreational trailer that may be supported by an attached tongue.
- (C) Any wrecked, partially dismantled or rusted-out vehicles must be stored within a completely enclosed building.
- (D) Nothing in this section shall prohibit any person from making minor repairs to a vehicle on their own property, when such repairs are completed within a twenty-four-hour period.
- (E) No regulated vehicle shall be used as an accessory building, or for storage, or occupied in any manner, or connected to any utility or electrical service, except as necessary to perform minor or emergency repairs to such vehicle, and except for recharge of batteries. Nothing in this subsection shall prohibit the owner of a recreational vehicle, in an emergency situation, from temporarily residing in the recreational vehicle on the owner's property. However, in no event shall the recreational vehicle be used as a temporary residence for more than forty-eight (48) hours.
- (F) An opaque fence or hedge measuring six (6) feet in height shall be installed and maintained to enclose all yards within which any regulated vehicle is parked or stored. Any hedge must [be] selected and maintained to achieve the required height within two (2) years of planting and shall be planted in compliance with subsection 275-190(I)(4), which governs the installation of shrubs.
- (G) It is unlawful to use a mobile living unit for vacation rental use, or for short term or long term rental use.

* * *

Section 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Vice Mayor Lori Lewellen

SUBJECT: Ordinance Amending Code to Prohibit Blocking Sidewalks

Request:

To pass on first reading the ordinance amending Chapter 17 relating to prohibiting the blocking of sidewalks and passageways.

Background:

The Community Development Department (the “Department”) staff has evaluated existing parking violation fines/penalties and have determined that an update to the fine schedule should be made as well as to how to assess the fine for larger vehicles (trailer, and mobile living unit, which include recreational vehicles, or vessels) parked on the street in residential districts where it is prohibited to park. Passenger vehicles are fined \$35.000 for parking improperly on the street in the residential districts. As the identified larger vehicles (RVs, Trucks, boats, etc.) are larger, and take up more space on the street, they should be subject to a greater fine as identified in Section 2-58 of the City’s Code of Ordinances. The fine for these vehicles shall be \$100.00, per 24 hour period.

Budgetary Impact

No budgetary impact anticipated.

Recommendation

That the City Commission approve the ordinance on first reading and schedule second reading, public hearing.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 25, ENTITLED “TRAFFIC”, AT ARTICLE III, ENTITLED “PARKING, STOPPING AND STANDING”, DIVISION 1, ENTITLED “GENERALLY”; AT SECTION 25-48, ENTITLED “PARKING NOT TO OBSTRUCT TRAFFIC”; SECTION 25-66, ENTITLED “PARKING PROHIBITED AT CERTAIN LOCATIONS”; TO CLARIFY THAT TRAILERS, MOBILE LIVING UNITS, TRUCK OVER ONE TON IN WEIGHT, OR ANY VESSEL PARKED IMPROPERLY SHALL BE SUBJECT TO A GREATER FINE THAN A PERSONAL VEHICLE; AND RESE~~CTION~~^E~~CTION~~ ~~AND~~ SECTION 25-79, CURRENTLY ENTITLED “FINES”; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Development Department (the “Department”) staff has evaluated existing parking violation fines/penalties and have determined that an update to the fine schedule should be made as well as to how to assess the fine for larger vehicles as defined below; and

WHEREAS, the City has determined that any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section 2-58 of the City’s Code of Ordinances, due to the greater size, or length of same; and

WHEREAS, the proposed fine/civil penalty schedule is reasonable, and the City Commission deems it to be in the best interest of the City to adopt the foregoing amendments.

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

Section 1. That the above “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That Chapter 25, entitled “Traffic”, at Article III, entitled “Parking, Stopping And Standing”, at Section 25-79, entitled “Fines” to update the fine schedule; is amended as follows:

CHAPTER 25

TRAFFIC

ARTICLE III. PARKING, STOPPING AND STANDING.

* * *

DIVISION 1. – GENERALLY.

* * *

Sec. 25-48. - Parking not to obstruct traffic.

Where streets are not completely paved or curbs provided, the parking of any motor vehicle shall not usurp any of the traveled portion of the street. Any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section 2-58, of the City's Code of Ordinances, per 24 hour period, due to the greater obstruction of the roadway due to size, or length of same.

Sec. 25-66. - Parking prohibited at certain locations.

(a) It shall be unlawful for any vehicle owner to park, stop, store or to permit parking, stopping or storing of a motor vehicle, mobile living unit (including but not limited to a recreational vehicle), boat, trailer, or other type of vehicle, as defined in this chapter, upon any public or private yard, grass area, unpaved area, sidewalk, curb, unpaved portion of public right-of-way or other unapproved parking area unless it is parked on a paved and properly permitted driveway or parking lot that provides access to a carport or garage that is incorporated into a main structure or that provides access to a parking area located entirely within the side or rear yard or provides access to a business.

(b) For the purposes of this section, parking in the front yard shall not be prohibited if the vehicle is parked for the limited purpose of loading, unloading or washing. This exception shall apply only while the owner or operator of the motor vehicle is actively engaged in the task, and in no event shall this exception apply for more than three (3) hours in any given twenty-four-hour period.

(c) This section shall not apply to authorized emergency vehicles parked while emergency personnel are responding to a call or otherwise rendering assistance. Authorized emergency vehicles shall include police and fire vehicles, as well as ambulances and hearses.

(d) Locations granted a variance for parking in the front yard or that are recognized as having a legal existing nonconforming parking surface shall be deemed to be in compliance with this section.

(e) Any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section 2-58 of the City's Code of Ordinances, per 24 hour period, due to the greater obstruction of the roadway due to size, or length of same.

* * *

Sec. 25-79. Reserved. Fines.

~~The following fines payable to the city are established for improper parking within city limits:~~

- ~~(a) *Restricted parking:* Any person parked or found in violation of sections 25-86(a), 25-86(e), 25-87, 25-88, 25-45(i), 25-43, 25-57, 25-50, 25-123, 25-45(a) — (e), or 25-63 shall be liable for payment of a fine of thirty-five dollars (\$35.00).~~
- ~~(b) *Improper parking:* Any person parked or found in violation of sections 25-51, 25-120, 25-45(g), 25-47, 25-52, 25-53 or 25-54 shall be liable for payment of a fine of thirty-five dollars (\$35.00).~~
- ~~(c) *Prohibited parking:* Any person parked or found in violation of sections 25-41, 25-49, 25-44, 25-45(d), 25-45(f), 25-45(h), 25-59, 25-48, 25-45(i) or 25-55 shall be liable for payment of a fine of thirty-five dollars (\$35.00).~~
- ~~(d) *Hazardous parking/private lands parking:* Any person parked or found in violation of sections 17-14, 25-104, 25-107, 25-121, 25-122, 25-58, 25-64, 25-65, 25-66, 25-67, 25-56, 25-60, 25-61, 25-45(a), (e) or 25-62 shall be liable for payment of a fine of thirty-five dollars (\$35.00).~~
- ~~(e) *Disabled parking:* All persons parked or found in violation of section 25-46 shall be liable for payment of a fine of two hundred fifty dollars (\$250.00).~~
- ~~(f) *Surcharge for school crossing guard program:* In addition to the fines provided for in this section, a five dollar (\$5.00) surcharge to provide funds for the city's school crossing guard program shall be added to each fine imposed for each parking violation, as authorized by state law.~~
- ~~(g) *General penalty:* In this chapter, where no specific penalty is provided, and an act is prohibited or declared to be unlawful or identified as an offense, or whenever in this chapter the doing of an act is required or the failure to do an act is declared to be unlawful, the violator of any applicable provision shall be liable for payment of a fine of thirty-five dollars (\$35.00).~~

* * *

Section 3. 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 4. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Vice Mayor Lori Lewellen

SUBJECT: Ordinance Amending Code to Prohibit Blocking Sidewalks

Request:

To pass on first reading the ordinance amending Chapter 17 relating to prohibiting the blocking of sidewalks and passageways.

Background:

The City has been reviewing best practices across the state relating to homelessness, vagrants, and protection of the City's sidewalks and passages. The City has a strong interest in protecting the health, safety and welfare of the general public, by providing residents and visitors the right and ability to move freely and safely through the City. Sidewalks, streets, alleys, beach walks, and beach entrances play a vital role in city life as conduits for pedestrian movement and access, enhancing connectivity and promoting walking throughout the City. Safe, accessible, and well-maintained sidewalks, streets, alleys, beach walks, and beach entrances are a fundamental and necessary foundation for cities, and have been found to enhance general public health and maximize social capital. When an individual's path is blocked on the sidewalks, streets, alleys, beach walks, and beach entrances it can force them onto the street or other dangerous terrain where there is a risk of death or injury. Pedestrians killed while walking along the roadway account for many incidents of traffic fatalities resulting from collisions between motor vehicles and pedestrians.

In order to advance the foregoing objectives, the proposed ordinance creates new City Code Section 17-11 and mandates that any person who, stands, sits, lies, or places an object in such manner as to block passage by another person or to require another person to take evasive action to avoid physical contact, or who, after being ordered to move by law enforcement officers, remains in or on any public sidewalk, street, alley, beach walk, or beach entrance in such a manner as to block or impair movement of vehicles or pedestrians shall be guilty, pursuant to this Section, of the offense of Obstructing of Pedestrian and Vehicular Traffic.

The proposed Ordinance also contains express constitutional protections, at subsection (b), providing that acts authorized as an exercise of one's First Amendment right to demonstrate, picket or to legally protest shall not constitute Obstructing of Pedestrian and Vehicular Traffic unless a nearby adequate and available alternative forum is offered and provided, to which the subject or subjects refuse to move.

By way of illustration, a person or persons blocking or impairing movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance while exercising their First Amendment right to protest demonstrate, picket or to legally protest should be offered access to an adjacent or nearby public park, if one exists and is available, where they can exercise their First Amendment rights without blocking or impairing movement of vehicles or pedestrians. Only if those person or persons refuse to move to such a park or other offered forum where their activities will not block or impair movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance may an arrest be made.

The proposed Ordinance also provides, at subsection (c), that anyone performing acts with a valid permit are allowed.

Finally, the proposed Ordinance establishes, at subsection (4), that violations are punishable by a maximum of 60 days in jail and/or a maximum \$500 fine (referencing Section 1-8 of the City's Code). However, if the subject identifies themselves as homeless, the opportunity to enter a homeless shelter, or other immediate housing, must be offered and refused before an arrest may be effectuated.

Budgetary Impact

No budgetary impact anticipated.

Recommendation

That the City Commission approve the ordinance on first reading and schedule second reading, public hearing.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED “OFFENSES – MISCELLANEOUS” IN ORDER TO SUBSTANTIALLY MODIFY SECTION 17-11, ENTITLED, “RESERVED TO PROVIDE FOR REGULATIONS RELATING TO “OBSTRUCTING OF PEDESTRIAN AND VEHICULAR TRAFFIC” IN ORDER TO PROHIBIT SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, sidewalks, streets, alleys, beach walks, and beach entrances play a vital role in city life as conduits for pedestrian movement and access, enhancing connectivity and promoting walking throughout the City; and

WHEREAS, safe, accessible, and well-maintained sidewalks, streets, alleys, beach walks, and beach entrances are a fundamental and necessary foundation for cities, and have been found to enhance general public health and maximize social capital; and

WHEREAS, when an individual’s path is blocked on the sidewalks, streets, alleys, beach walks, and beach entrances it can force them onto the street or other dangerous terrain where there is a risk of death or injury; and

WHEREAS, pedestrians killed while walking along the roadway account for many incidents of traffic fatalities resulting from collisions between motor vehicles and pedestrians; and

WHEREAS, the City of Dania Beach seeks to provide citizens and visitors the right to move freely and safely through the City.

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

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 17, entitled “Offenses – Miscellaneous”, of the City’s Code of Ordinances, is amended to read as follows:

CHAPTER 17
OFFENSES – MISCELLANEOUS

ARTICLE 1. IN GENERAL

17.11 ~~Reserved.~~ Obstructing Of Pedestrian And Vehicular Traffic Prohibited

(1) Any person who, stands, sits, lies, or places an object in such manner as to block passage by another person or to require another person to take evasive action to avoid physical contact, and who, after being ordered to move by law enforcement officers, remains in or on any public sidewalk, street, alley, beach walk, or beach entrance in such a manner as to block or impair movement of vehicles or pedestrians shall be guilty, pursuant to this Section, of the offense of Obstructing of Pedestrian and Vehicular Traffic.

(2) Protected activities. Acts authorized as an exercise of one's First Amendment right to demonstrate, picket or to legally protest shall not constitute Obstructing of Pedestrian and Vehicular Traffic unless a nearby adequate and available alternative forum is offered and provided, to which the subject or subjects refuse to move. As an illustration only, a person or persons blocking or impairing movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance while exercising their First Amendment right to protest demonstrate, picket or to legally protest should be offered access to an adjacent or nearby public park, if one exists and is available, where they can exercise their First Amendment rights without blocking or impairing movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance. Only if those person or persons refuse to move to such a park or other offered appropriate alternative forum where their activities will not block or impair movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance may an arrest be made.

(3) Permitted Activities. Acts authorized by a permit duly issued by a lawful authority shall not constitute a violation of this Section.

(4) Enforcement. Violation of this Section shall be enforced pursuant to Section 1-8 of the City Code. If a law enforcement officer or other authorized official encounters a person violating this Section who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to voluntarily enter a homeless shelter or similar facility within Broward County, if available to that person, or to accept other available government assistance for which the person is eligible that would result in housing, including, but not limited to, mutually consensual reunification with family or friends in any location, or consensual placement in any other appropriate facility that provides housing within Broward County. If no homeless shelter or other facility, or government assistance, that would result in immediate housing, is available for which the person is eligible, an arrest may not be made.

* * *

Section 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____
Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Vice Mayor Lewellen

SUBJECT: Ordinance Amending Chapter 16 Relating to Suspension or Revocation of Short-Term Rental Certificates

Request:

To pass on first reading the ordinance amending chapter 16, ‘Vacation Rentals’, at Section 16-3.

Background:

The City, through the efforts of Vice Mayor Lewellen, is looking to update Section 16-3 of the City’s Code relating to revocation or suspension of a vacation rental certificate due to criminal activity on the premises. The City has seen an uptake in criminal activity centered out of vacation rental units, in particular in the Western portion of the City, and involving weapons.

The City desires to update the code to try to protect the health, safety and welfare of the residents from criminals intending to use vacation rental properties for criminal purposes. The proposed language is below:

The reporting by the Broward Sheriff’s Office (BSO)/police department, or code compliance department of two or more incidents in a 12 month period of misdemeanor or any felony activities at the vacation rental property by a property owner, tenant or visitor/licensee, resulting in a police incident report that the activities also caused a disturbance of the neighborhood will provide a basis for suspension or revocation of a vacation rental certificate. Conviction or nolle prosecution of the misdemeanor or felony activities of the property owner, tenant, licensee, is not needed to support the suspension or revocation. Rather, the testimony of the officer that the misdemeanor or felony activities resulted in a disturbance of the quiet enjoyment or safety of the neighborhood shall be sufficient support of the city manager’s decision to suspend or revoke a vacation rental certificate.

Budgetary Impact

No budgetary impact anticipated.

Recommendation

That the City Commission approve the ordinance on first reading and schedule second reading, public hearing.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS", AT SECTION SEC. 16-3. REVOCATION, SUSPENSION OR TRANSFER OF VACATION RENTAL CERTIFICATE," TO PROVIDE AN ADDITIONAL BASIS FOR REVOCATION OR SUSPENSION, AND TO GENERALLY PROVIDE A CLEAN UP OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to update its regulations as to vacation rental revocation or suspension of a vacation rental certificate due to criminal activity on the premises; and

WHEREAS, the City has seen an uptake in criminal activity centered out of vacation rental units; and

WHEREAS, the City desires to update the code to try to protect the health, safety and welfare of the residents from criminals intending to use vacation rental properties for criminal purposes.

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

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That the following sections of the City's Code of Ordinances are hereby amended to remove all reference to the obsolete terms of "civil service" and "classified services" and generally provide a clean-up of the Code, as follows: to read as follows:

* * *

CHAPTER 16

VACATION RENTALS

* * *

Sec. 16-3. Revocation, suspension or transfer of vacation rental certificate.

- (a) Violation of section 16-2, after proper notice and hearing, shall provide a basis for revocation or suspension of a vacation rental certificate. Additionally, the reporting by the Broward Sheriff's Office (BSO)/police department, or code compliance department of two or more

incidents in a 12 month period of misdemeanor or any felony activities at the vacation rental property by a property owner, tenant or visitor/licensee, resulting in a police incident report that the activities also caused a disturbance of the neighborhood will provide a basis for suspension or revocation of a vacation rental certificate. Conviction or nolle prosecution of the misdemeanor or felony activities of the property owner, tenant, licensee, is not needed to support the suspension or revocation. Rather, the testimony of the officer that the misdemeanor or felony activities resulted in a disturbance of the quiet enjoyment or safety of the neighborhood shall be sufficient support of the city manager's decision to suspend or revoke a vacation rental certificate.

- (1) *Suspension.* The city manager may suspend the vacation rental certificate for a specific period of time not to exceed six (6) months, or until certain conditions have been complied with or violations cured.
- (2) *Revocation.* The city manager may revoke the vacation rental certificate. After revocation of a property owner's vacation rental certificate, the owner shall not reapply for a vacation rental certificate for any dwelling unit in the city until the basis for the revocation has been resolved and in no event prior to six (6) months following the date of revocation.
- (3) *Penalty.* If the property owner, after such revocation or suspension, thereafter continues to allow vacation rental use of the dwelling unit, each day of continued use shall be a continuing violation subject to a fine up to the maximum permitted by law per day, of up to \$5,000, per day, per violation, which fine shall result in a lien upon the vacation rental dwelling unit or other property of the owner as otherwise provided in this Code.
- (b) *No limitation of remedies.* Nothing in this chapter shall limit the city from enforcement of its Code, state or federal law by any other legal remedy available to the city. Nothing in this chapter shall be construed to limit or supplant the power of the inspector(s), code enforcement officer or code enforcement special magistrate under the city's ordinances, rules and regulations and the authority granted under state law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or the city's ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.
- (c) *Sale or transfer of dwelling unit used for vacation rentals.* Whenever a dwelling unit used for vacation rentals is sold or otherwise changes ownership and the new owner desires to use the unit for vacation rentals, the new owner must, prior to allowing any vacation rental use of the unit:
 - (1) Schedule and obtain an inspection of the dwelling unit with the code compliance unit; and
 - (2) Apply for a vacation rental certificate for the vacation rental use.
- (d) *Rules and procedures.* The city manager or designee may create rules and procedures to assist in the implementation of this chapter, including but not limited to a timeline and procedure for all existing vacation rentals to apply for and obtain their first vacation rental certificate pursuant to this chapter in a manner consistent with available staff resources.

- (e) *Appeals.* A revocation or suspension of the vacation rental certificate, or of vacation rental agent status, by the city manager may be appealed to the city commission, as provided in this subsection.
- (1) *Applicability.* The owner of vacation rental property may file an appeal of a revocation or suspension of a vacation rental certificate. A person may file an appeal of a revocation or suspension of his or her vacation rental agent status.
 - (2) *Filing of appeal.* The appeal shall be filed within thirty (30) days of receiving notice of the revocation or suspension by certified mail, in a form specified by the city and accompanied by an application fee in an amount to be determined by resolution of the city commission. Failure to file an appeal within thirty (30) days shall constitute a waiver of all rights to appeal the revocation or suspension.
 - (3) *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be scheduled for the first available city commission meeting following completion of the city's review and evaluation of the application or such other time as is mutually agreed upon between the applicant and the city manager. If the appeal involves a vacation rental certificate, the property owner shall be responsible for providing mailed notice of the hearing to all property owners located within three hundred (300) feet of the vacation rental property.
 - (4) *Appeal hearing.* At the public hearing, the city commission shall consider the appeal application, the relevant support materials, the city manager's recommendations, and public testimony given at the hearing. If, at any time during the public hearing, the city commission determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the city manager for further review and revised recommendations. The city commission shall presume the original decision of the city manager was correct and shall only overturn such decision where there has been an error of fact or law. At the close of the public hearing, the city commission, by not less than a majority of the quorum present, shall approve a resolution granting, granting with conditions, or denying the appeal.
 - (5) *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the city commission by filing a petition for writ of certiorari in the circuit court in and for Broward County, in accordance with the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

* * *

Section 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director

SUBJECT: Ordinance Amending the City Code Relating to Code Fines

Request:

To pass on first reading the ordinance amending Chapters 2, Section 2-58 relating to updating the City's Code fine schedule and updating section 2-72, which delineates the chapters of the City's Code that the Special Magistrate can enforce.

Background:

Certain sections of Chapter 5, 17, 20, and 21 list specific fines. However, two years ago the City adopted a fine schedule at Section 2-58. In order to facilitate ease of use, and to ensure that all fines are located in one place, the fines contained in those chapters are stricken and are added to Section 2-58 of the City's Code, which contains the City's fine schedule. Additionally, section 2-72 is being updated to include all the Code Chapters that the Special Magistrate can enforce. It appears that this section of the Code has not been updated in many years.

Budgetary Impact

none

Recommendation

The Community Development Department that the City Commission approve the ordinance on first reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION”, ARTICLE III, ENTITLED “SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES; CODE ENFORCEMENT CITATION PROGRAM”, AT SECTION 2-58, ENTITLED “SCHEDULE OF CODE ENFORCEMENT FINES/CIVIL PENALTIES” TO UPDATE THE SCHEDULE OF FINES; AMENDING Article IV, “CODE ENFORCEMENT”, AT SECTION 2-72, “APPLICABILITY” TO UPDATE THE LIST OF CHAPTERS ENFORCED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dania Beach, in 2022, established fine/civil penalty schedule , which is assessed in a consistent and fair process; and

WHEREAS, the City desires to update the fee schedule to include traffic related and water and sewer related violations; and

WHEREAS, the proposed fine/civil penalty schedule is reasonable and in attached as Exhibit “A” and is incorporated into this Resolution by this reference and the City Commission deems it to be in the best interest of the City to amend its fine schedule.

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

Section 1. That the above “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That Chapter 2, entitled “Administration”, Article III, entitled “Supplemental Code Enforcement Procedures; Code Enforcement Citation Program”, at Section 2-58,, is amended as follows:

* * *

**CHAPTER 2,
ADMINISTRATION**

* * *

**ARTICLE III- SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES; CODE
ENFORCEMENT CITATION PROGRAM**

* * *

Section 2-58 Schedule Of Code Enforcement Fines/Civil Penalties

(h) In the table below each type of violation is identified with its associated level.

CHAPTER -SECTION	\$35.00 Certain Traffic Violations	LEVEL 1 \$100 One time or daily fine	LEVEL 2 \$200 One time or daily fine	LEVEL 3 \$250 One time or daily fine	LEVEL 4 Repeat Violation \$500 One time or daily fine	LEVEL 5 Irreparable Or Irreversible Violations \$500 - \$5,000 One time or daily fine
<u>1 – General provisions</u>					<u>X or up to 60 days in jail</u>	
2.5 - Adult Entertainment				X	<u>X</u>	<u>X</u>
3 - Advertising		X			<u>X</u>	<u>X</u>
4 - Alcoholic Beverages				X	<u>X</u>	<u>X</u>
<u>4-20 Hours of entertainment</u>					<u>X</u>	<u>X</u>
5 - Animals and Fowl			X		<u>X</u>	<u>X</u>
<u>5-6 Cruelty to animal</u>					<u>X</u>	<u>X</u>
<u>5-11 Permitting animal to commit a nuisance</u>					<u>X</u>	<u>X</u>
<u>5-18 Lighting requirements for marine turtle protection</u>					<u>X</u>	<u>X</u>
6 - Beaches, Parks, Waterways and Recreation		X			<u>X</u>	<u>X</u>
8 – Buildings				X	<u>X</u>	<u>X</u>
<u>8-21 Building Condition</u>				<u>X</u>	X	<u>X</u>
10 - Coin Operated Devices					<u>X</u>	<u>X</u>
11 - Fire Protection and Prevention				X	<u>X</u>	<u>X</u>
12 - Flood Damage Prevention			X		<u>X</u>	<u>X</u>
12.5-8					<u>X, or up to 60 days in jail</u>	
13 - Health and Sanitation (Bulk Trash)				X	<u>X</u>	<u>X</u>

<u>13-34 Nuisance Accumulation</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>13-34(b) Property & R/W Maintenance</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>13-34 Prohibitions (accumulation garbage, litter, stagnant water, trash, untended vegetation)</u>					<u>X</u>	<u>X</u>
<u>13-29 Stagnant Water/Mosquito breeding places prohibits</u>					<u>X</u>	<u>X</u>
<u>13-69 Bulk trash pickup</u>					<u>X</u>	<u>X</u>
<u>13-74(c) Trash Prior Placement / Removal,</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
14 - Junk and Abandoned Vehicles			X		<u>X</u>	<u>X</u>
15 - Business Tax / BTR			X		<u>X</u>	<u>X</u>
<u>16- Vacation Rentals</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>16-2 Vacation Rentals</u>					<u>X</u>	<u>X</u>
17 - Offenses Miscellaneous				X	<u>X</u>	<u>X</u>
17-128 sexual offender					<u>X, or 60 days in jail</u>	
17-131 prohibit sale... cannabinoid					<u>X, or 60 days in jail</u>	
17-132 prohibit sale illegal drugs					<u>X, or 60 days in jail</u>	
<u>17-81 – Unreasonably loud noise prohibited</u>					<u>X</u>	<u>X</u>
<u>17-84 Construction activity</u>					<u>X</u>	<u>X</u>
<u>17-130 Smoking & Vaping in Public Parks</u>		<u>X</u>			<u>X</u>	<u>X</u>
21 - Sales and Auctions			X		<u>X</u>	<u>X</u>
21-60, Auction penalties					<u>X, or up to 60 days in jail</u>	

22 - Streets and Sidewalks			X		<u>X</u>	<u>X</u>
<u>25 Traffic</u> <u>25-41, 25-43, 25-45, 25-47,</u> <u>25-48, 25-50 through 25-68</u> <u>(for personal vehicles) , 25-</u> <u>86, 25-87, 25-88, 25-104,</u> <u>25-107, 25-120, 25-121,</u> <u>25-122, 25-123</u>	<u>X, plus</u> <u>\$5.00</u> <u>surcharge,</u> <u>per 24 hour</u> <u>period</u>					
<u>25-48</u> Parking not to obstruct traffic for trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight				<u>X, plus</u> <u>\$5.00</u> <u>surcharge,</u> <u>per 24</u> <u>hour</u> <u>period</u>		
<u>25-66, for</u> <u>Any trailer, mobile living</u> <u>unit (including but not</u> <u>limited to a recreational</u> <u>vehicle), truck over one</u> <u>ton in weight,</u>				<u>X, plus</u> <u>\$5.00</u> <u>surcharge,</u> <u>per 24</u> <u>hour</u> <u>period</u>		
<u>25-107, parking fire</u> <u>zone/lane</u>		X				
<u>25-121 parking at bus/taxi</u> <u>stand</u>		X				
In Chapter 25, on every violation, there is a surcharge for school crossing guard program: In addition to the fines provided for in this section, a five dollar (\$5.00) surcharge to provide funds for the city's school crossing guard program shall be added to each fine imposed for each parking violation, as authorized by state law.	<u>X, plus</u> <u>\$5.00</u> <u>surcharge</u>					
<u>25 General penalty:</u> In this chapter, where no specific penalty is provided, and an act is prohibited or declared to be unlawful or identified as an offense, or whenever in this chapter the doing of an act is required or the failure to do an act is declared to be unlawful, the violator of any applicable provision shall be liable for payment	<u>X, plus</u> <u>\$5.00</u> <u>surcharge</u>					

<u>of a fine of thirty-five dollars (\$35.00).</u>						
<u>27 Water and Sewer</u>				<u>X</u>	<u>X</u>	<u>X</u>
28 - Land Development Code				X	<u>X</u>	<u>X</u>
<u>100-40 Prohibited Use</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>105-130(A)(1) Side/Rear Parking</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>105-120(A) Prohibited Commercial Vehicle</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>265-130(D) Prohibited Parking</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>FBC 105.1 Permits required</u>				<u>X</u>	<u>X</u>	<u>X</u>
<u>826-100 Enforcement of the removal of healthy specimen tree</u>					<u>X</u>	<u>X (\$5,000 required)</u>

* * *

Section 3. That Chapter 2, entitled “Administration”, Article III, entitled “Supplemental Code Enforcement Procedures; Code Enforcement Citation Program”, at Article IV, “Code Enforcement”, at Section 2-72, “Applicability”, is amended as follows:

* * *

Sec. 2-72. - Applicability.

The Dania Beach Code Enforcement Special Magistrate (the "magistrate") shall have jurisdiction to hear and decide cases involving alleged violations of the following codes:

Chapter 1, General Provisions;

Chapter 2.5, Adult Entertainment;

Chapter 3. Advertising;

Chapter 4. Alcoholic Beverages;

Chapter 5, Animals and Fowl;

Chapter 6, Beaches, Parks, Waterways and Recreation;

Chapter 7, Bicycles;

Chapter 8, Buildings;

Chapter 10 - Coin Operated Devices;

Chapter 11, Fire Protection and Prevention;

Chapter 12, Flood Damage Prevention;

Chapter 13, Health and Sanitation;

Chapter 14, Junked and Abandoned Vehicles;

Chapter 15, Business Tax;

Chapter 16. Vacation Rentals;

Chapter 17. Offenses Miscellaneous;

Chapter 21, Sales and Auctions;

Chapter 22, Streets and Sidewalks;

Chapter 25, Division 6, Taxis, Buses, and Other Common Carriers;

Chapter 27, Water and Sewers; and

All provisions and regulations of the Land Development Code of the City of Dania Beach, Florida, as it is now existing or as it may be amended by ordinances from time to time and including ordinances or resolutions adopted under chapter 28 that approve site plans, variances or special exceptions. This shall include, but not be limited to, noncompliance with any element of an approved site plan and the conditions of approval, if any, which may be attached to the approved site plan.

* * *

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 all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 6. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director

SUBJECT: Ordinance Amending the City Code updating the City's Code to ensure that all fines are located in one place.

Request:

To pass on first reading the ordinance amending Chapters 5, 17, 20, 21, 25, updating the City's Code to ensure that all fines are located in one place.

Background:

Certain sections of Chapter 5, 17, 20, and 21 list specific fines. However, two years ago the City adopted a fine schedule at Section 2-58. In order to facilitate ease of use, and to ensure that all fines are located in one place, the fines contained in those chapters are stricken and are added to Section 2-58 of the City's Code, which contains the City's fine schedule. Additionally, section 2-72 is being updated to include all the Code Chapters that the Special Magistrate can enforce. It appears that this section of the Code has not been updated in many years.

Budgetary Impact

None

Recommendation

The Community Development Department is recommending that the City Commission approve the ordinance on first reading.

ORDINANCE NO.: 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 5, 17, 20, 21, AND 25 IN ORDER TO AMEND ALL CITATIONS REFERENCING CERTAIN MONETARY PENALTIES OR IMPRISONMENT TO REFLECT SECTION 1-8 OF THE CITY'S CODE ENTITLED "GENERAL PENALTY; CONTINUING VIOLATIONS; VIOLATION AS PUBLIC NUISANCE"; AND DELETING OBSOLETE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Code has specific references in certain code provisions delineating specific monetary values and amount of jail time; and

WHEREAS, the City Code also has Section 1-8, entitled "General Penalty; Continuing Violations; Violation As Public Nuisance", which provides the basic home rule authority for nuisance monetary fines or jail time and having different references in the Code leads to confusion and contradiction; and

WHEREAS, the Mayor and City Commission seeks to amend the Code of Ordinances to clarify the monetary fines and jail time references.

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

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 5, entitled "Animals and Fowl" of the City's Code of Ordinances, is amended to read as follows:

CHAPTER 5

ANIMALS AND FOWL

Sec. 5-18. - Lighting requirements for marine turtle protection.

* * *

~~(f) Enforcement. Any person found to be in violation of this code section shall be issued a notice to appear and shall appear at the prearranged court date to answer the charge. A conviction for violation of this section shall result in a fine up to five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine~~

~~and imprisonment at the discretion of the judge.—~~Violation of this Section shall be enforced pursuant Section 1-8, of the City Code.

* * *

Section 3. That Chapter 12, entitled “Flood Damage Protection” of the City’s Code of Ordinances, is amended to read as follows:

CHAPTER 12

FLOOD DAMAGE PROTECTION

ARTICLE 1. IN GENERAL

* * *

Sec. 12.5-8. - Penalties.

~~Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail not exceeding ninety (90) days, or by both such fine and imprisonment. Each violation shall constitute a separate offense and shall be punishable as such hereunder.—~~Violation of this Section shall be enforced pursuant Section 1-8, of the City Code.

* * *

Section 4. That Chapter 17, entitled “Offenses - Miscellaneous” of the City’s Code of Ordinances, is amended to read as follows:

CHAPTER 17

OFFENSES- MISCELLANEOUS

* * *

ARTICLE I – IN GENERAL.

* * *

Sec. 17-21. - Writing on property without permission of the owner prohibited.

No person shall write, paint or draw any inscription, figure or mark of any type on any building, public or private, or any other property, real or personal, in the City of Dania Beach without the express permission of the owner or operator of said property.

Editor's note—Ord. No. 29-88, § 2, adopted June 14, 1988 provided, "Any person convicted of violating the provisions of this ordinance shall be punished by a fine of not less than \$250.00

~~nor more than \$500.00 per occurrence or by imprisonment for not more than 60 days per occurrence, or both, in the discretion of the court."~~

* * *

ARTICLE VIII. - SEXUAL OFFENDERS

* * *

Sec. 17-128. - Sexual offender residency prohibition.

* * *

(b) A person who violates subsection (a) shall be punished pursuant to section 1-8 of the City Code. ~~by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment.~~

* * *

ARTICLE X. - SMOKING AND VAPING RESTRICTIONS

* * *

Sec. 17-131. - Prohibiting the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic cannabinoid herbal incense.

* * *

(j) *Penalty.* Any store owner, store manager, store purchasing agent or any other person violating any provision of this section shall be punishable pursuant to section 1-8 of the City's Code. ~~by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days or both, for each violation.~~ This section shall also be subject to enforcement via the Local Government Code Enforcement Act of F.S. Ch. 162, and pursuant to chapter 2 "administration" of article IV "code enforcement" of the City Code of Ordinances of the City of Dania Beach.

Sec. 17-132. - Prohibiting the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic stimulant bath salts, synthetic cathinones, synthetic amphetamines and other synthetic stimulants that mimic illegal drugs.

* * *

(j) *Penalty.* Any store owner, store manager, store purchasing agent or any other person violating any provision of this section shall be punishable pursuant to section 1-8 of the City's Code ~~by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days or both, for each violation.~~ This section shall also be subject to enforcement via the Local Government Code Enforcement Act of F.S. Ch. 162, pursuant to article IV, entitled "code enforcement" of chapter 2 entitled "administration" of the City of Dania Beach Code of Ordinances.

* * *

Section 5. That Chapter 20, entitled "Police" of the City's Code of Ordinances, is amended to read as follows:

CHAPTER 20
POLICE

ARTICLE 1 – IN GENERAL.

* * *

~~Sec. 20-3. – Authority to summon posse.~~

~~In case any person charged with the violation of any of the ordinances of the city, shall refuse to submit quietly to arrest, the chief of police or any police officer of the city shall have the power to summon to his aid or assistance in making such arrest, where the necessity of the case requires it, a posse of good and true men, citizens of the city, consisting of as many as he may deem necessary to aid him in fully carrying out the law, and in case any citizen so summoned shall fail or refuse to lend aid so required of him, he shall be summoned by said officer to appear to answer said charge for failure to do his duty and if after a full investigation, the court shall think the facts justify such action it shall punish him by a fine not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed ten (10) days, or by both such fine and imprisonment in its discretion.~~

* * *

Section 6. That Chapter 21, entitled “Sales and Auctions” of the City’s Code of Ordinances, is amended to read as follows:

Chapter 21

SALES AND AUCTIONS

ARTICLE IV. - AUCTIONS AND AUCTIONEERS

* * *

Sec. 21-60. - Penalties.

Violation of this Section shall be enforced pursuant Section 1-8, of the City Code.

~~Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail not exceeding ninety (90) days, or by both such fine and imprisonment. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.~~

* * *

Section 7. That Chapter 25, entitled “Traffic” of the City’s Code of Ordinances, is amended to read as follows:

CHAPTER 25 TRAFFIC

ARTICLE III. - PARKING, STOPPING AND STANDING

DIVISION 5. - PARKING ON PRIVATE PROPERTY

* * *

Sec. 25-107. - Parking on private property designated as fire zone or fire lane.

- (a) It shall be unlawful for any person, firm or corporation to park any motor vehicle, including automobiles, trucks, motorcycles, motor bikes or any other vehicle, on private property which has been designated as a fire zone or fire lane by the city police or fire department.\
- (b) It shall be the duty of any police officer or fire inspector of the city to issue a citation to any person violating the provisions of this section.
- (c) ~~Any person who shall violate the provisions of the foregoing subsection (a) shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than ten (10) days, in the discretion of the court.~~

* * *

DIVISION 6. - TAXIS, BUSES, AND OTHER COMMON CARRIERS

* * *

Sec. 25-124. ~~Penalty. [parking at public courier/bus stands]~~

- (d) ~~Any person, firm, association, institution or corporation violating any term or provision of this division shall, upon conviction by a court of competent jurisdiction, be liable for a mandatory fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Upon conviction for a third violation within a one year period, the mandatory fine shall be not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) and/or imprisonment not to exceed thirty (30) days, or both.~~

* * *

Section 8. 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 9. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 10. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance

may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED and ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Eve A. Boutsis, City Attorney on behalf of Commissioner Tamara James

SUBJECT: City Regulation Amending the Ordinance Relating to Street Co-Designation

Request:

To approve modifications to the City's regulation relating to street co-designation.

Background:

Several requests for street co-designation have been made. However, the cost of mailing notice to the community has become prohibitive. As such, Commissioner James at the January 23, 2024, City Commission meeting advised that she would like to amend the co-designation provisions to remove the requirement for mailed notice and newspaper advertisement. The code requires a petition, with signatures for a resident or community group to seek co-designation of a street.

This ordinance was first heard at the February 13, 2024 City Commission meeting, during which amendments were made. Due to the amendments, the title needs to be modified, and the ordinance is presented for first reading, again, due to the changes in the title. As part of this clarification and further modification, the following edits are proposed:

1. The mailed/newspaper notice provisions are being modified to require the City Commission to cover the cost of mailed notice, which has been modified from one mile to 1,000 feet.
2. The City is to cover the costs associated with the approved petition/application: mailed notice, fabrication of the co-designation signs, and installation of the signs.
3. Further, if there are one hundred (100) or more properties within a quarter mile distance in all directions of the affected street, as determined by the City's Community Development Department, the owners of thirty percent (30%) of such properties.

The petition shall contain, in addition to the signatures, the clearly printed names and complete Dania Beach addresses of all signatories who are property owners. In the event a petitioner or applicable property owner is an organization, all non-Dania Beach-resident organization members' names, addresses and signatures shall be substantiated by a list of organization members from the organization's official records.

1. The person(s) collecting the signatures shall be required to attest or affirm via notarized affidavit, that the signatures are of the person residing at the property listed, was signed by that person. If it is determined that the information collected by the petitioner(s) is false, the petitioner shall be charged with a fine of \$500.00, and the City's costs associated with removing the name co-designation. The co-designation may be reversed by the City Commission and all cost associated with that process shall be charged to the Petitioner. This provision ensures that the person conducting the petition actually obtains the signatures of the residents and that there is a penalty if the signatures are false.

At first reading, the requirement that only one application be authorized and funded by the City Commission, per year, was removed from the ordinance.

Budgetary Impact

No budgetary impact is anticipated.

Recommendation

That the ordinance be approved at second reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 22, OF THE CITY CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED “STREETS AND SIDEWALKS” AT ARTICLE I, ENTITLED “IN GENERAL” BY AMENDING SECTION 22-7A IN ORDER TO MODIFY THE PETITION REQUIREMENTS, PROVIDING FOR A PENALTY FOR FALSE PETITIONS; PROVIDING FOR ONE APPLICATION, PER YEAR; AND MODIFYING COST COVERAGE BY PETITIONERS TO HAVE THE CITY COVER THE COSTS ASSOCIATED WITH THE PROCESS AND INSTALLATION OF CODESIGNATION SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to modify the process for designating, naming or re-naming public rights-of-way within the City of Dania Beach by clarifying the petition process, providing for a penalty for false petitions, and eliminating mailed notice; and

WHEREAS, the City desires to modify section 22-7A of the City Code of Ordinances to document the City’s process for designation.

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

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That Chapter 22 of the City Code of Ordinances, which Chapter is entitled “Streets and Sidewalks”, at Article I, entitled” In General”, at section 22-7A, is created to read as follows:

CHAPTER 22

STREETS AND SIDEWALKS

ARTICLE 1 – IN GENERAL

* * *

Sec. 22-7A. Authority of City Commission to co-designate roads and streets, etc.

The City Commission may, by resolution, adopt after a public hearing a co-designation of any local road, street, subdivision street or alley (referred to as “street” in this Section) within the City limits. All streets shall retain their current names as a co-designation.

* * *

(c) Petition.

- (1) The applicant shall submit to the City Manager's Office the original copy of a petition which clearly states, on each page containing petition signatures, the full intent of the petition, which is signed by the owners of fifty percent (50%) of the properties which front on, back on, or have a mailing address containing the name of the affected street.
- (2) If there are one hundred (100) or more properties within a quarter- mile distance in all directions of the affected street, as determined by the City's Community Development Department, the owners of thirty percent (30%) of such properties.
- (3) The petition shall contain, in addition to the signatures, the clearly printed names and complete Dania Beach addresses of all signatories who are property owners. In the event a petitioner or applicable property owner is an organization, all non-Dania Beach-resident organization members' names, addresses and signatures shall be substantiated by a list of organization members from the organization's official records.
- (4) The person(s) collecting the signatures shall be required to attest or affirm via notarized affidavit, that the signatures are of the person residing at the property listed, was signed by that person. If it is determined that the information collected by the petitioner(s) is false, the petitioner shall be charged with a fine of \$500.00, and the City's costs associated with removing the name co-designation. The co-designation may be reversed by the City Commission and all costs associated with that process shall be charged to the Petitioner.
- (5) Before issuing mailed notice, or posting notice, the applicant shall petition the community as provided above in subsections 22-7A(c)(1) through (4). After the signatures required under the petition have been collected and certified. The City shall cover the cost of mailed notice, producing the co-designation signs, and installation of all co-designation signs. ~~No more than one application will be authorized and funded by the City Commission, per fiscal year.~~

* * *

(e) Notification of Street Co-Designations

- ~~1. Mail notification of a co-designation request shall follow the requirements identified in the City's Zoning variance procedures located at Section 610-20, of the Land Development Code (LDC) (1,000 feet) , with the exception that property owners within one (1) mile shall be provided notice of such request.~~
- ~~2. Newspaper notification shall follow the same requirements identified in the City's Zoning variance procedures located at Section 610-20, of the Land Development Code (LDC).~~

3. ~~2. Signs developed according to the same requirements as those provided through the City's Zoning variance procedures located at Section 610-20, of the Land Development Code (LDC). The signs shall be posted for thirty (30) days prior to submittal to the City Commission, at the beginning and end of the affected street and not more than 1,000 feet apart, between the two street ends and at all intersections with principal arterial roadways, as defined by the City.~~
4. ~~3. Any costs incurred by the City for mailing, notices, sign changes, and other out-of-pocket arterial roadways, as defined by the City must be paid by the applicant. The City shall cover the cost of all mailed notice, fabrication of all co-designation signs, and installation of the signs. Only one application shall be authorized and funded by the City Commission, per year.~~
5. ~~4. Following a Final Determination by the City Commission, the City shall be responsible for providing notice of any approved changes to the City's Fire Department, Police Department (Broward Sheriff's Office District II Office,) the United States Postal Service, the Broward County Property Appraiser's and Tax Collector's offices and other applicable governmental agencies.~~
- * * *

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

Section 6. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:
Motion by: _____
Second by: _____

FINAL VOTE ON ADOPTION:	Unanimous _____	
	Yes	No
Commissioner Joyce L. Davis	_____	_____
Commissioner Tamara James	_____	_____
Commissioner Marco Salvino	_____	_____
Vice Mayor Lori Lewellen	_____	_____
Mayor Archibald J. Ryan IV	_____	_____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 20, ENTITLED “POLICE” OF THE CITY’S CODE OF ORDINANCES, ARTICLE IV, ENTITLED “WRECKER AND TOWING SERVICES,” TO AMEND AND UPDATE THE TOW TRUCK LIST REQUIREMENTS AND LOCATION OF THE GARAGE TO WITHIN THE CITY LIMITS OF DANIA BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to update the list of providers for tow truck services to provide for a main provider and a backup list of providers for as needed services; and

WHEREAS, the City Commission conducted a duly noticed public hearing in accordance with law; and

WHEREAS, the City Commission finds that the approval of the proposed ordinance will protect the public health, safety, and welfare of the residents of the City.

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

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 20, entitled “Police,” of the City’s Code of Ordinances, Article IV, entitled “Wrecker and Towing Services, is amended to read as follows:

* * *

ARTICLE IV. - WRECKER AND TOWING SERVICES

Sec. 20-47. - Police to maintain list, use only listed operators.

The police department shall maintain a rotation list with respect to the calling of wrecker or towing services as to traffic accidents or other towing requirements within the City and shall call only those wrecker or towing services on such approved list. The City shall maintain a main tow truck provider. A back up tow truck provider may be utilized when the main provider is unavailable or lacks the equipment to provide services, provided the tow truck provider complies with all the requirements of Section 20-49.

Sec. 20-48. -Reserved. ~~Calls to be rotated on list.~~

~~As to wrecker or towing services which are on the approved list, the chief of police is directed to adopt a plan so that the calls are rotated on an even and equitable basis among the eligible services on such approved list.~~

Sec. 20-49. Qualifications to be listed.

The city manager shall approve to be placed on such list a wrecker or towing service which meets the following qualifications:

- (a) Complies with all State (F.S. Ch. 715) and Broward County requirements (Broward County Ordinances, Chapter 20, Section 176, et seq.).
- (b) The owner or president of the commercial wrecker service must have a commercial garage located within the jurisdiction of the City ~~ten (10) miles of the city's jurisdictional limits,~~ with such garage having a sufficient enclosed storage area, with a chain link fence constituting a sufficient enclosure, to store at least eighty (80) wrecked motor vehicles and at least six (6) indoor storage stalls with all of such storage area being contiguous to the garage.

* * *

Section 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____
Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director
Claudia Viviana Batista, Senior Manager
Jonathan Cady, Planner

SUBJECT: RZ-081-23: The property owner, Academy Bus, is requesting to rezone properties located at 2171, 2181, and 2191 SW 42 Ave.

Request:

The applicant is requesting to rezone the subject property from General Manufacturing and Industrial (M-2) to Industrial, Research, Office, Marine-Airport Approach (IROM-AA).

PROPERTY INFORMATION:

EXISTING ZONING: General Manufacturing and Industrial District (M-2) (Broward County Zoning Designation).

PROPOSED ZONING: Industrial Research, Office Marine-Airport Approach District (IROM-AA) (City of Dania Beach Zoning Designation).

EXISTING LAND USE DESIGNATION: Transportation (Broward County Land Use Designation).

PROPOSED USE DESIGNATION: Industrial (City of Dania Beach Land Use Designation).

SITE ACREAGE: 0.78 acres (34,313 SF)

EXISTING USE: One-story building.

VIOLATIONS ON THE PROPERTY: No open violations on the property.

Background:

The subject property is located west of Interstate 95, between SW 22nd Avenue and Anglers Avenue.

In addition to the subject property, the applicant owns the adjacent properties to the north, which received approval for charter bus parking on July 19, 2023. On December 12, 2023, the property underwent a site plan modification to include these properties in the previously approved site

plan.

Currently, the parcel features an existing 1,390 square-foot, one-story building and is situated within the Broward County Zoning District. The property was recently incorporated into the municipal boundaries of the City of Dania Beach. Approval of the requested rezoning would establish a City of Dania Beach zoning district on the property. At the February 21, 2024, Planning and Zoning Board meeting, the rezoning was recommended for approval. This item was approved on February 27, 2024, by the City Commission for first reading.

The property is in the process of a Future Land Use Amendment from Transportation (Broward County Land Use Designation) to Industrial (City of Dania Beach Land Use Designation). The designation of a Commercial Land Use would be incompatible with the location of the property which is west of the Fort Lauderdale/Hollywood International Airport. In addition, all of the adjacent properties have an Industrial Future Land Use designation. Designating the subject properties to Commercial would be inconsistent with the surrounding designation as well as the location of the property.

The requested Rezoning designation of IROM-AA is compatible with the Future Land Use Map amendment currently in progress. The property currently has an Industrial zoning of M-2 and is requesting a City of Dania Beach Industrial zoning due to recently being annexed into the city. Rezoning the subject properties to a Commercial zoning district would be changing an Industrial property to Commercial and would result in a conflict between the Zoning and Land Use designation of the property as well as a conflict with the predominate character of the area.

The use of a Bus Depot is only permitted under General Commercial (C-4) zoning. The proposed use of the subject property under IROM-AA zoning as an 'Office, Professional' is a permitted use with 'Overnight fleet parking for vehicles owned or leased by the business legally operating at the same location' allowed as an accessory use. C-4 zoning district is not compatible with the area as it will interfere with the consistency of Industrial Future Land Use and Zoning of the surrounding parcels. The IROM-AA zoning district is compatible with the subject site, meeting both state and county designations while also creating compatible zoning districts in the area. Academy Bus will utilize the existing structure on the lot to operate as an office. The headquarters of Academy Bus is also currently located across the street at 4160 Ravenswood Road.

There is a neighboring property located at 4161 SW 22 Avenue which has a Single-Family Residential 6000 zoning designation. This property is non-conforming due to the Future Land Use designation of the property, which is Industrial.

REZONING

Article 645 of the City's Land Development Code (LDC) states, requests for rezoning shall be referred to the Planning and Zoning Board for recommendation and the City Commission shall determine if the application meets the criteria identify in Section 645-40, which are identified below.

The applicant has provided a criteria statement (attached) identifying how their request is consistent with the required criteria in which they make the following statements identified in italics below:

1. The request is consistent with the city's comprehensive plan; and

The rezoning area consists of Lots 5, 6 and 7 of the Ravenswood Park Plat (PB 30, PG 31). Refer to attached survey/legal description. The lots were annexed from Unincorporated Broward County (UBC) into the City effective September 15, 2023.

1. The request is consistent with all applicable redevelopment plans, corridor plans, neighborhood plans, and master plans approved by the city commission; and

Lots 6 and 7 are being incorporated into the Academy Bus site plan modification that received original approval on July 19, 2023 (2023-PZ-005). At that time, Lots 6 and 7 were still under the County's jurisdiction. Condition #1 of the site plan approval is to rezone the UBC property to IROM-AA. Lot 5 is under the same ownership, is not part of the site plan modification but is part of the rezoning request.

1. The request would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts; and
1. The request furthers the city's adopted community redevelopment plan, if applicable; or
2. An error or ambiguity must be corrected; or
3. There exists changed or changing conditions which make approval of the request appropriate; or
4. Substantial reasons exist why the property cannot be used in accordance with the existing zoning; or
5. The rezoning is appropriate for the orderly development of the city and is compatible with existing (conforming) adjacent land uses and planned adjacent land uses.

Lots 5, 6 and 7 are currently zoned M-2 (general Manufacturing and Industrial), which is a Broward County zoning designation. The subject rezoning request is to rezone lots 5, 6 and 7 to IROM-AA (Industrial Research, Office and Marine District and Industrial Research, Office and Marine Airport Approach District), a City designation, now that those lots are officially within the City's jurisdiction. The subject rezoning from M-2 to IROM-AA will bring those lots into conformity with a City zoning district compatible with the surrounding area.

Community Development staff agrees with the applicant's Rezoning criteria statement and is supportive of the rezoning request. As a result of the annexation of the property into the City of Dania Beach, the rezoning is necessary to change the zoning district to a district identified in the Dania Beach Land Development Regulation. The proposed rezoning is compatible with the existing land use pattern. The proposed rezoning is consistent with the City's adopted Future Land Use Element, especially Policies 1.3, 1.4, 1.5 and 1.6, which encourage development of industrial land uses in this area. The property is also in the process of establishing a City of Dania Beach Future Land Use Designation.

Strategic Plan:

This application supports the City's Strategic Plan by furthering the following goals:

Objectives

- 3.2 Protection and enhancement of property values.

Short-term Challenges and Opportunities

- 3.2 Expanding business investment in Dania Beach.

City Commission Previous Action

This application was unanimously approved by the City Commission on February 27, 2024, upon first reading.

Budgetary Impact

Approval of the rezoning will enable the redevelopment and enhancement of the subject site, expanding the City's tax roll.

Recommendation

The rezoning from M-2 to IROM-AA allows the proposed development of current underused land with concurrent use in the vicinity. Therefore, staff recommends that this item be approved by the City Commission on the second and final reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY FRANMAR PROPERTIES OF SOUTH FLORIDA LLC FOR PROPERTY LOCATED AT 2171, 2181, AND 2191 SW 42nd STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED AND INCORPORATE BY REFERENCE INTO THIS ORDINANCE, TO REZONE THE SUBJECT SITE FROM M-2 (GENERAL MANUFACTURING AND INDUSTRIAL, A BROWARD COUNTY ZONING DISTRICT, TO IROM-AA (INDUSTRIAL RESEARCH, OFFICE AND MARINE DISTRICT AND INDUSTRIAL RESEARCH, OFFICE AND MARINE AIRPORT APPROACH DISTRICT) (APPLICATION NO. RZ-081-23), A CITY OF DANIA BEACH ZONING DISTRICT, SUBJECT TO CERTAIN RESTRICTIONS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 13, 2023, via Broward Delegation, and City of Dania Beach Ordinance 2022-005 Approved on January 11, 2022, the property located at 2171-2191 SW 42nd Street (hereinafter “the Property” or “Parcel”), was incorporated into the City of Dania Beach from Broward County; and

WHEREAS, on January 23, 2024, the City updated the City’s Comprehensive Plan, Future Land Use Map, in order to make the newly annexed Property consistent with the future land use of the area; and

WHEREAS, the City’s Comprehensive Plan at the Future Land Use Map (FLUM), designates the Property identified in Exhibit “A” as Industrial; and

WHEREAS, the Applicant now seeks to bring the Property into compliance with the City’s Land Development Regulations, and Zoning Map, as the Broward county zoning designations are no longer applicable to the Property; and

WHEREAS, pursuant to Chapter 28, entitled “Land Development Code,” (LDC) of Part 6, entitled “Development Review Procedures and Requirements,” Article 645 “Rezoning” of the City Code of Ordinances (the “City Code”), Franmar Properties of South Florida LLC (the “Applicant”) has applied to the City of Dania Beach (the “City”) for approval of a Rezoning (RZ-081-23) from M-2 to IROM-AA for property generally located at 2171, 2181, and 2191 SW 42nd Street, as legally described in Exhibit “A;” a copy of which is made a part of and incorporated into this Ordinance by this reference; and

WHEREAS, the City Planning and Zoning Board, sitting as the Local Planning Agency (the “LPA”), held a duly advertised public hearing on December 20, 2023, and determined that the proposed rezoning is consistent with the goals and objectives of the City of Dania Beach Comprehensive Plan, and therefore, recommended approval of the proposed Rezoning (RZ-081-23) request; and

WHEREAS, the rezoning of the parcel to IROM-AA is consistent with the City’s FLUM; and

WHEREAS, the City Commission is required to conduct two (2) duly noticed public hearings in accordance with law; and

WHEREAS, the City Commission finds that the approval of the proposed Rezoning (RZ-081-23) will protect the public health, safety, and welfare of the residents of the City, and further the purpose, goals, objectives, and policies of the Comprehensive Plan.

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of a specific part of this Ordinance.

Section 2. That pursuant to Chapter 28 “Land Development Code,” Part 6 “Development Review Procedures and Requirements,” Article 645 “Rezoning” of the City Code, the Rezoning request (RZ-081-23) from M-2 to IROM-AA, for the Property generally located at 2171, 2181, and 2191 SW 42nd Street, as legally described in Exhibit “A,” is approved.

Section 3. That issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or deferral agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to first obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

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

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1

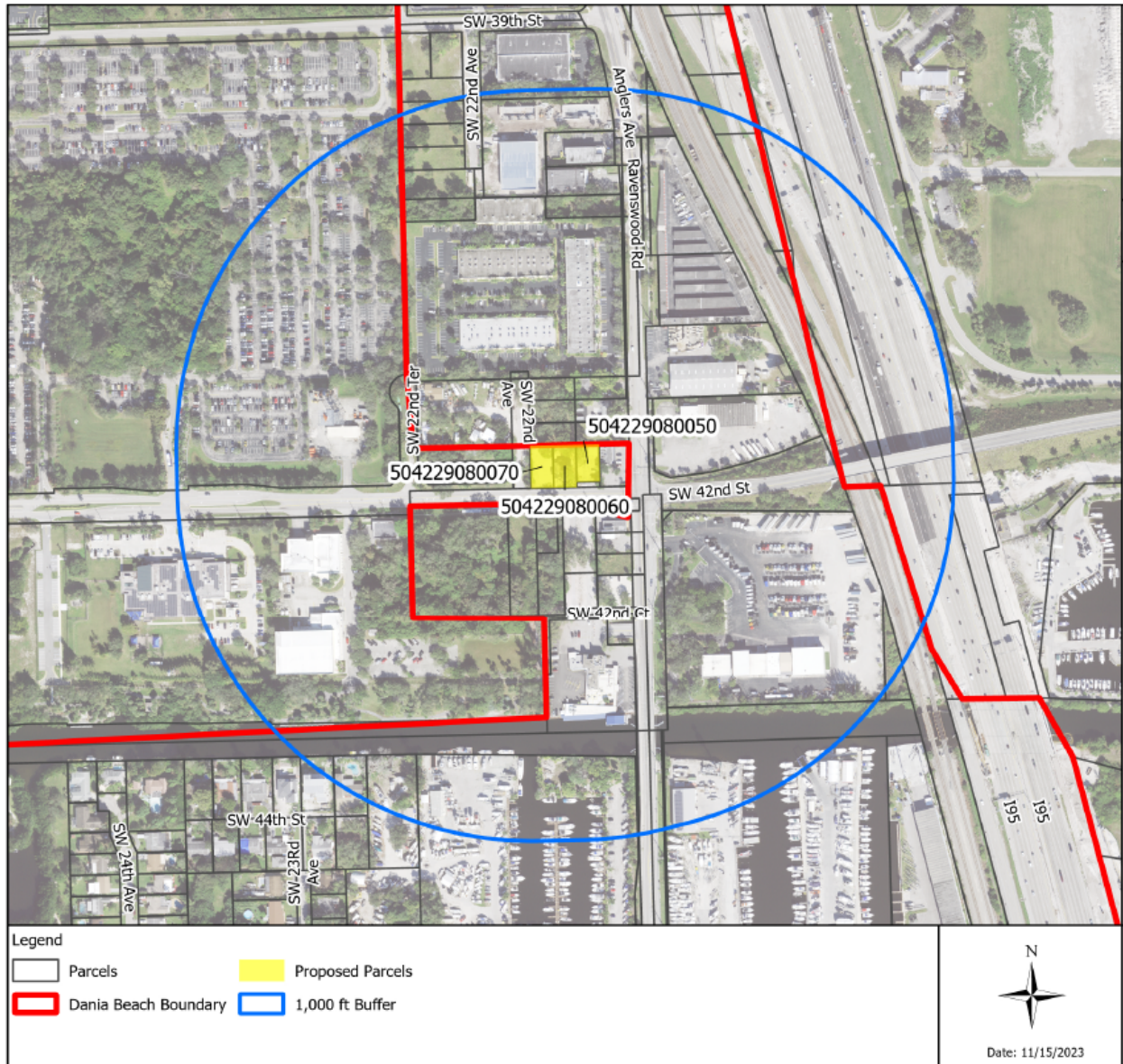
LOT 5, BLOCK 1, LESS THE SOUTH 15 FEET, RAVENSWOOD PARK, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

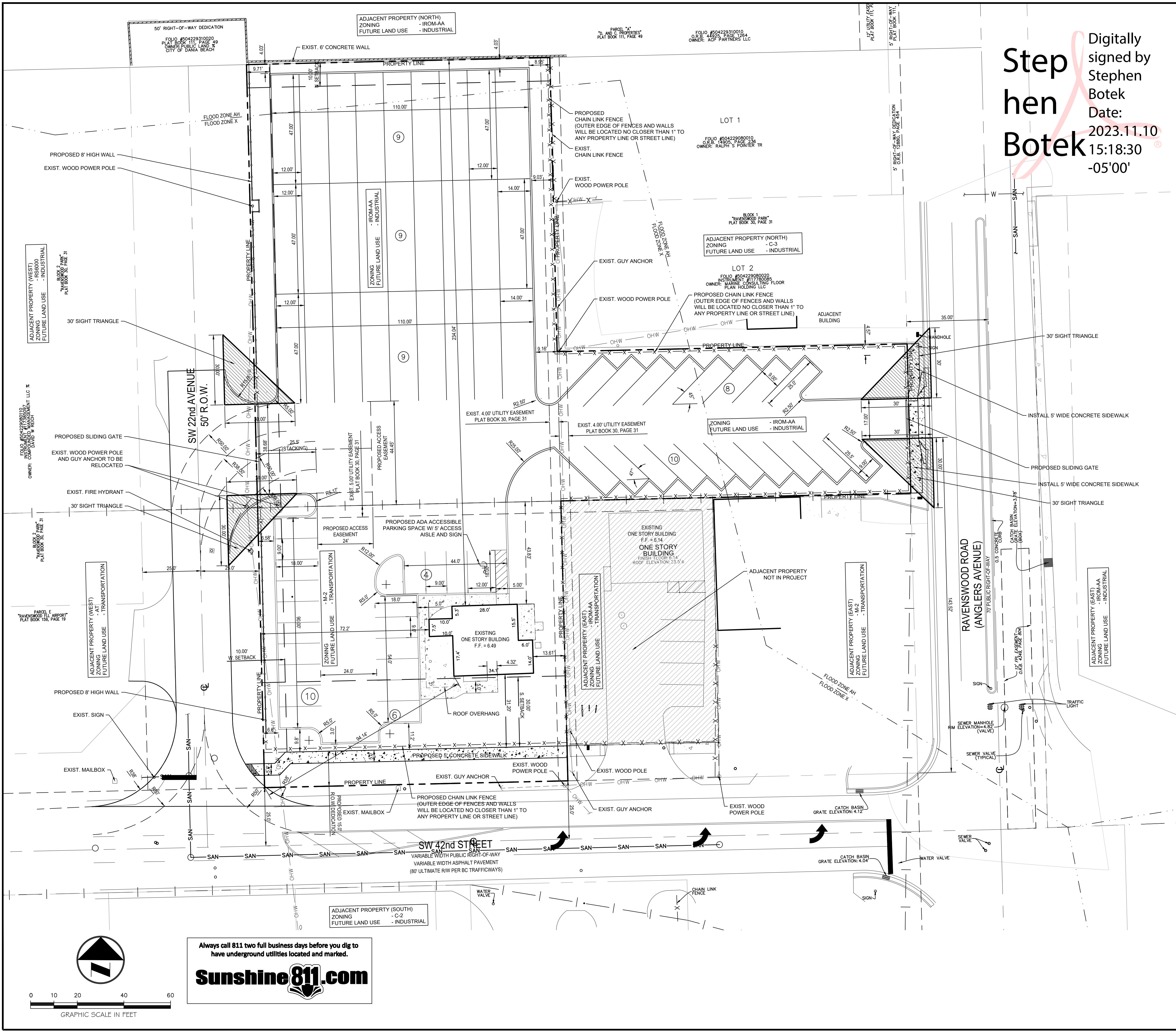
PARCEL 2 AND 3

LOTS 6 AND 7, BLOCK 1, "RAVENSWOOD PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

EXHIBIT A

Proposed Lots for Rezoning





Digitally signed by Stephen Botek
Date: 2023.11.10 15:18:30 -05'00'

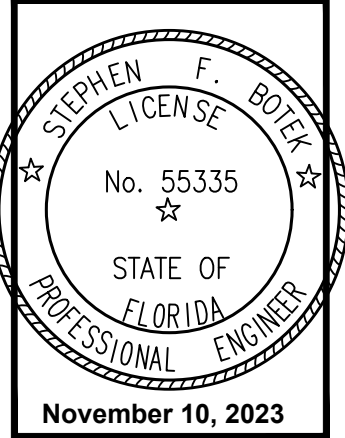
SITE INFORMATION
LEGAL DESCRIPTION:
LOTS 3, 6, 7, 8, 9 AND 10, BLOCK 1, "RAVENSWOOD PARK", A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 31, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS LYING AND BEING PARTIALLY IN THE CITY OF DANIA BEACH AND PARTIALLY IN UNINCORPORATED AREAS, BROWARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 50,113 SQUARE FEET (1.15 ACRES), MORE OR LESS.
FLOOD ZONE INFORMATION:
FLOOD ZONE: X / AH
BASE FLOOD ELEVATION: NONE / 6 FEET
PANEL NO. 12011C0558H
COMMUNITY NO. 125093 / 120034
MAP DATE: 8/18/14

SITE DATA TABLE - IROM-AA		
SITE ADDRESS	4181 RAVENSWOOD ROAD, DANIA BEACH	
FOLIO NUMBERS	504229080100, 504229080090, 504229080080, 504229080030	
LAND USE DESIGNATION	INDUSTRIAL	

SITE DATA TABLE - M-2			
SITE ADDRESS	2181 SW 42ND STREET, BROWARD COUNTY		
FOLIO NUMBERS	504229080070, 504229080060		
LAND USE DESIGNATION	TRANSPORTATION		
	REQUIRED/PERMITTED	PROVIDED	AFTER DEDICATION
SITE AREA	N/A	15,850 S.F.	13,850 S.F.
PAVEMENT/PARKING		7,100 S.F. (44.94%)	7,100 S.F. (51.26%)
SIDEWALK		1,185 S.F. (7.50%)	525 S.F. (3.79%)
BUILDING (INC. OVERHANG)		1,390 S.F. (8.80%)	1,390 S.F. (10.04%)
GREEN (PERVIOUS)		6,125 S.F. (38.76%)	4,835 S.F. (34.91%)
MIN. PLOT SIZE	5000 S.F.	15,850 S.F.	13,850 S.F.
BUILDING COVERAGE	35% MAX. / 5,530 S.F.	8.80% / 1,390 S.F.	10.03% / 1,390 S.F.
IMPERVIOUS AREA	75% MAX. / 11,850 S.F.	61.20% / 9,675 S.F.	65.09% / 9,615 S.F.
SETBACKS			
N	10'	43.83' (EXIST.)	
S	30'	31.20' (EXIST.)	
E	10'	13.61' (EXIST.)	
W	10'	72.21' (EXIST.)	
INTERSECTION (SW 22ND AVE. & 2ND ST.)	20'	94.14'	
BUILDING HEIGHT (28-312)	35'	UNKNOWN - ESTIMATE 15'	
LANDSCAPING			
PERIMETER LANDSCAPE BUFFERS			
PROPERTY LINE ABUTTING A PUBLIC THOROUGHFARE	MIN. 5'	9'-8" (ALONG SW 42ND STREET)	
LANDSCAPE PARKING ISLAND	1 PARKING ISLAND PER 10 PARKING SPACES, OR PORTION THEREOF; 1 PARKING ISLAND AT END OF EACH ROW	PROVIDED	
PARKING			
DIMENSIONS (MIN.)			
90 DEGREE	9'X18'	20 INCL. 1 ADA SPACE	
ASILE WIDTH			
90 DEGREE	24'	24'	
45 DEGREE (265-110)			
BUSINESS AND PROFESSIONAL OFFICE	1,050 GFA		
LOADING	NOT REQUIRED (UP TO 7,000 SF LOADING SPACES NOT REQUIRED)		

Always call 811 two full business days before you dig to have underground utilities located and marked.
Sunshine811.com

BTE REF DATE: 10-18-2023	
REVISIONS	
DATE	
#	



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY STEPHEN F. BOTEK, P.E. ON THE DATE ADJACENT TO THE SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Celebrating 15 Years

SITE PLAN
ACADEMY BUS
2181 SW 42nd Street
Dania Beach, Florida 33312
(City of Dania Beach and Unincorporated Broward County)

Botek Thurlow Engineering, Inc.
3400 NW 9th Avenue, Suite 102, Ft. Lauderdale, FL 33309
www.botekthurlow-eng.com p: 954-568-8888 f: 954-568-9777

BTE PROJECT #: 22-0903

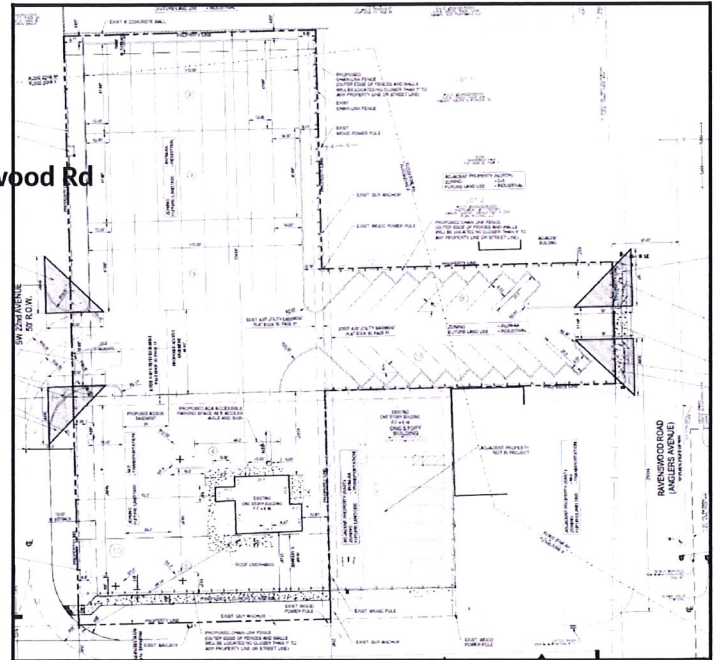
PROJECT DATE: 10-19-2022

SHEET #: SP-1

COMMUNITY NOTICE

Re: SP-023-23MOD RZ-081-23
Academy Bus Site Plan Modification & Rezoning
2181 SW 42nd Street

Please be advised Franmar Properties of South Florida, LLC, the applicant and owner of the property generally located at 2181 SW 42nd Street in the City of Dania Beach has two applications with the City of Dania Beach. The first is a site plan modification to incorporate annexed parcels into the approved site plan. The other is to rezone the annexed parcels from M-2, a Broward County designation, to IROM-AA, a City designation.



The City Commission will hear this matter at its December 12, 2023 meeting beginning at 7pm in City Hall.

Contact applicant's agent : Leigh Robinson Kerr & Associates, Inc. with any questions 954-467-6308.



DANIA BEACH
SEA IT. LIVE IT. LOVE IT.

Location Map

APPLICATION:
RZ-081-23

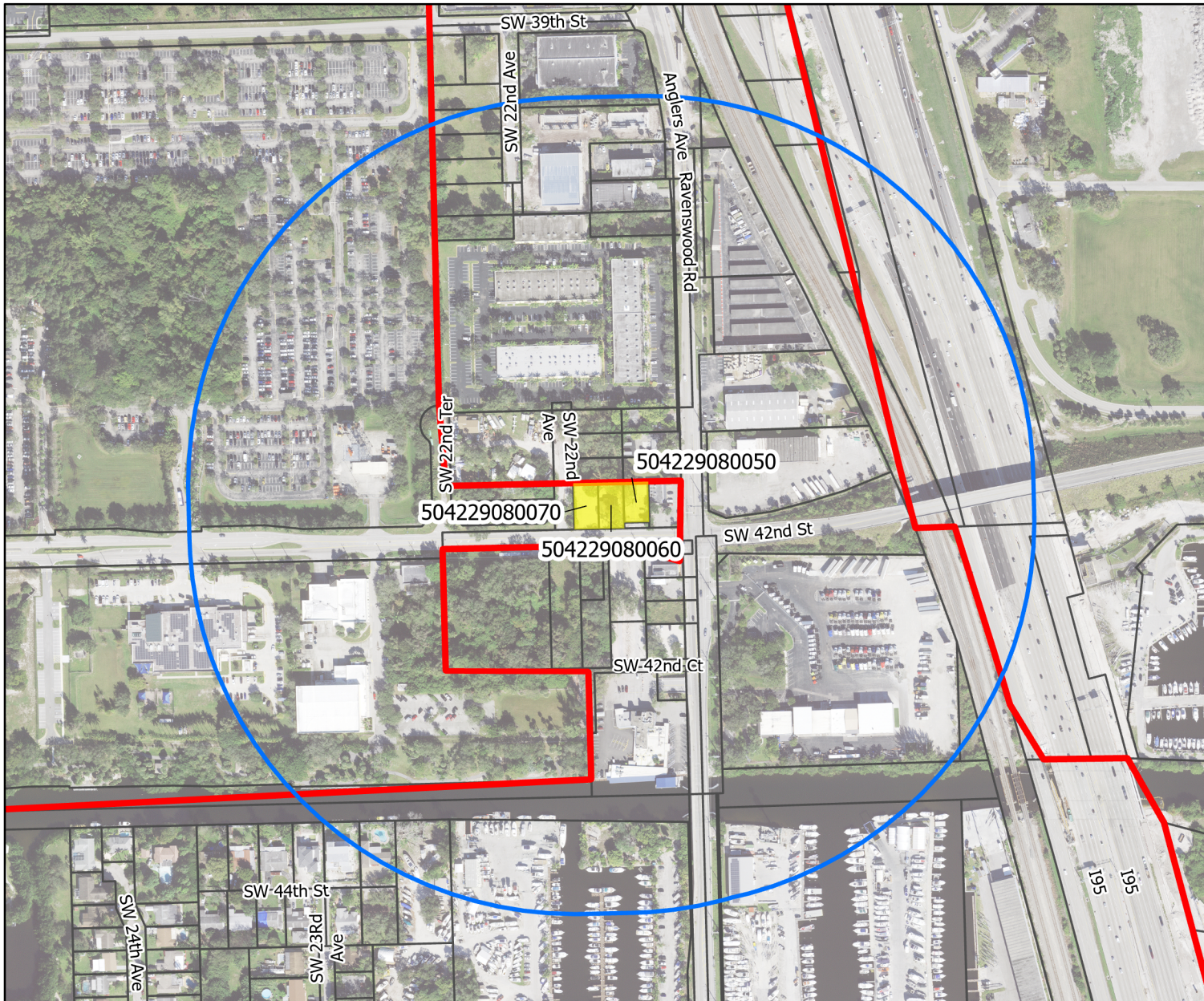
PROJECT NAME:
Academy Bus Re-zoning

FOLIO:
504229080070;
504229080060;
504229080050

ADDRESS:
West side of Ravenswood Road,
North of SW 42 Street

REQUEST:
Rezoning three parcels
to City zoning
after annexation.

APPLICANT:
City of Dania Beach



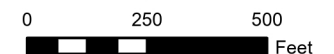
Legend

- Parcels
- Proposed Parcels
- Dania Beach Boundary
- 1,000 ft Buffer



Date: 11/15/2023

When Printed on 8 1/2" x 11"
1 inch equals 400 feet



Florida Technical Consultants



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application



- ☐ Administrative Variance
☐ Land Use Amendment
☐ Plat
☒ Rezoning
☐ Site Plan
☐ Special Exception
☐ Variance
☒ Other: Site Plan Modification & Rezoning

Date Rec'd: _____

Petition No.: SP-023-23MOD
RZ-081-23

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: West side of Ravenswood Road, North of SW 42nd Street Dania Beach FL 33312

SP: 3, 6, 7, 8, 9 & 10
RZ: 3, 5, 6, 7, 8, 9 & 10
Lot(s): _____ Block: 1 Subdivision: Ravenswood Park (30-31)

Recorded Plat Name: Ravenswood Park (30-31)

SP: 50422908-0100, 0090, 0080, 0070, 0060, 0030

Folio Number(s): _____ Legal Description: Please see attached.

RZ: 50422908-0100, 0090, 0080, 0070, 0060, 0050, 0030

Applicant/Consultant/Legal Representative (circle one) Leigh Robinson Kerr & Associates, Inc.

Address of Applicant: 808 E. Las Olas Blvd. #104, Ft. Laud, FL 33301

Business Telephone: 954-467-6308 Home: N/A Fax: N/A

E-mail address: Lkerr808@bellsouth.net

Name of Property Owner: Franmar Properties of South Florida LLC

Address of Property Owner: 111 Paterson Avenue, Hoboken NJ 07030

Business Telephone: -- Home: -- Fax: --

Explanation of Request: Site plan modification to incorporate 2 UBC parcels & Rezone 3 UBC parcels.

*For Plats please provide proposed Plat Name for Variances please attach **Criteria Statement** as per Section 625.40 of the Land Development Code.*

Prop. Net Acreage: 1.15 ac Gross Acreage 1.47 ac Square Footage: 50,113 sf

Existing Use: Vacant and Vacated former residential bldg Proposed Use: Parking lot and Dispatch office

Is property owned individually, by a corporation, association, or a joint venture? LLC

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Leigh Robinson Kerr & Assoc., Inc (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 2nd DAY OF October, 2023

By:

Francis Tedesco
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of FL)

DONNA SISK BLAKE
NOTARY PUBLIC OF NEW JERSEY
Commission # 50028332
My Commission Expires 10/30/2025

Personally known ☒ or Produced Identification ☐

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***



DANIA BEACH
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Location Map

AREA OF INTEREST:
Academy Bus

ZONING STATUS:
Existing Zoning

FOLIO:
5042-29-08-0070
5042-29-08-0060
5042-29-08-0050

ADDRESS:
SW 42nd Street



Legend

	City Boundary		C-2		IROM-AA
	Parcels		C-3		M-2
	Site Parcels		C-4		RS-6000



Date: 3/1/2024

When Printed on 8 1/2" x 11"
1 inch equals 162 feet



Florida Technical Consultants



DANIA BEACH
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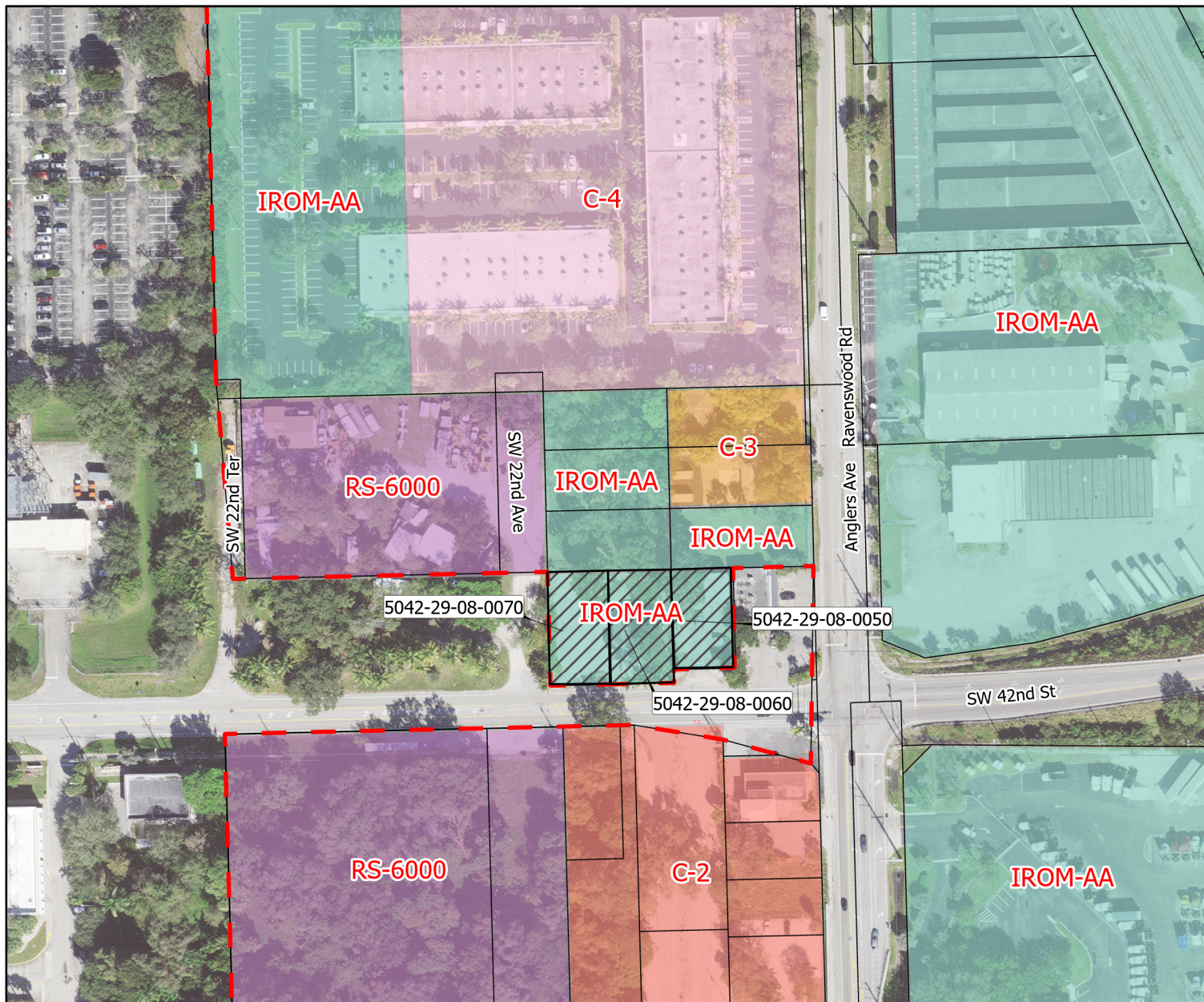
Location Map

AREA OF INTEREST:
Academy Bus

ZONING STATUS:
Proposed Zoning

FOLIO:
5042-29-08-0070
5042-29-08-0060
5042-29-08-0050

ADDRESS:
SW 42nd Street



Legend

	City Boundary		C-2		IROM-AA
	Parcels		C-3		RS-6000
	Site Parcels		C-4		



Date: 3/1/2024

When Printed on 8 1/2" x 11"
1 inch equals 162 feet



Florida Technical Consultants



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director

SUBJECT: TX-042-23: The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Land Development Code (LDC), to reduce building height and density within the form-based zoning districts (SECOND READING).

Request:

Amendment the City's LDC regarding building height and residential density within the Regional Activity Center (RAC) form-based zoning districts that would apply to the RAC replenishment units when received.

Background:

In 2010, the City Commission adopted the current form-based zoning regulations found in the City's LDC. These regulations identify general rules governing the use of land within the City, including list of permitted uses, special exceptions, prohibited uses and site development regulations such as building height and density. When these regulations were initially adopted, the City's goal was to attract and entice development to build in Dania Beach at a time when little to no development was occurring in the City. The City adopted regulations that allowed developers to acquire additional height and density through the use of incentives.

The current LDC identifies several incentives which, if utilized by a developer, can increase and in some instances double the building height and density permitted on a property. These incentives include the following:

- Public Open Space
- Attainable Affordable Housing
- Sustainable Building Practices (Green Building)
- Public Parking payment in-lieu
- Public Parks payment in-lieu

These incentive regulations will remain in effect for the initial 7,818 dwelling units, as 3,048 are

entitled but not yet built or under construction.

The Community Development Department is in the process of a Land Use Plan Amendment (LUPA) to obtain an additional dwelling units to allow continued residential development within the RAC to continue. Through this proposed text amendment, the department is requesting to reduce (by approximately half) the allowable building height and density by eliminating the incentives in the LDC. Listed below is each form-based zoning district within the RAC showing a side-by-side comparison of the current existing zoning code (with incentives) maximums and the department's proposed zoning code maximums in each district.

City Center (CC)

Existing Zoning Code		Proposed Zoning Code	
Max. Density – by right	50 du/acre	Max. Density – by right	50 du/acre
Max. Density – w/incentives	150 du/acre	No Incentive	
Max. Height – by right	7-stories	Max. Height – by right	7-stories
Max. Height – w/incentives	14-stories	No Incentive	

East Dania Beach Boulevard Mixed-Use (EDBB-MU)

Existing Zoning Code		Proposed Zoning Code	
Max. Density – by right	35 du/acre	Max. Density – by right	35 du/acre
Max. Density – w/incentive	75 du/acre	No Incentive	
Max. Height – by right	7-stories	Max. Height – by right	7-stories
Max. Height – w/incentive	14-stories	No Incentive	

Gateway Mixed-Use (GTWY-MU)

Existing Zoning Code		Proposed Zoning Code	
Max. Density – by right	50 du/acre	Max. Density – by right	50 du/acre
Max. Density – w/incentive	100 du/acre	No Incentive	
Max. Height – by right	7-stories	Max. Height – by right	7-stories
Max. Height – w/incentive	14-stories	No Incentive	

South Federal Highway Mixed-Use (SFED-MU)

Existing Zoning Code		Proposed Zoning Code	
Max. Density – by right	25 du/acre	Max. Density – by right	25 du/acre
Max. Density – w/incentive	50 du/acre	No Incentive	
Max. Height – by right	2-4 stories	Max. Height – by right	2-4 stories
Max. Height – w/incentive	8-stories	No Incentive	

Neighborhood Residential Mixed-Use (NBHD-RES)

Existing Zoning Code		Proposed Zoning Code	
Max. Density – by right	1-2 du right	Max. Density – by right	1-2 du
No Incentive		No Incentive	
Max. Height – by right	2-3 stories	Max. Height – by right	3-stories
No Incentive		No Incentive	

The City has volunteered to set aside fifteen percent (15%) of the additional dwelling units to be dedicated to Affordable/Workforce housing. This is included as a requirement in the FLU Amendment establishing additional RAC units. Staff will report unit allocation to both the City Commission and Broward County Planning Council to ensure this affordable housing

requirement is equitably distributed.

The Community Development Department is also proposing the adoption of a sustainable building regulation that will require all new developments to meet the Green Building requirements. This text amendment will be processed as a separate action.

On September 26, 2023, the City Commission approved this application on the 1st reading.

Budgetary Impact

N/A

Recommendation

Planning and Zoning Board Recommendation

On September 21, 2023, the Planning and Zoning Board recommended approval to the City Commission.

Department recommendation

The Community Development Department recommends that the City Commission approval of the proposed text amendment on second and final reading.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 “LAND DEVELOPMENT CODE”; AT PART 3, “SPECIAL ZONING DISTRICTS”; SUBPART 1 “COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS” TO PROVIDE SPECIFIC REGULATIONS FOR THE 4,000 RAC UNITS AUTHORIZED BY BROWARD COUNTY TO BE ALLOCATED TO THE CRA FORM BASED CODE ZONING DISTRICT THROUGH THE CITY’S COMPREHENSIVE PLAN AMENDMENT TO BE ADOPTED IN DECEMBER 2023, TO PROVIDE FOR A SPECIFIC FORM BASED REGULATION FOR THE 4,000 NEW RAC UNITS; AND PROVIDING FOR A VESTING OF THE 2010 RAC UNITS APPROVED UNDER ORDINANCE NO. 2010-007 (ADOPTED ON 9/28/10) UNDER THE REGULATIONS OF THIS SUBPART AS THEY EXISTED IN SUPPLEMENT 154 OF THE DANIA BEACH CODE OF ORDINANCES, DATED NOVEMBER 30, 2022, PUBLISHED BY MUNICIPAL CODE CORPORATION; AND SPECIFICALLY AMENDING THE CRA FORM BASED CODE FOR THE 4,000 UNITS TO ELIMINATE INCENTIVES PROVIDE FOR MANDATORY GREEN CODE REQUIREMENTS AND CLARIFICATIONS, INCLUDING THE FOLLOWING REVISIONS: AMENDING 300-30, ENTITLED “HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT”; AMENDING SECTION 300-60, ENTITLED “OTHER DEVELOPMENT REGULATIONS”; AMENDING SECTION 300-80, ENTITLED “INTENT”; AMENDING SECTION 301-20, ENTITLED “APPLICABILITY”; AMENDING SECTION 301-40, ENTITLED “SITE PLAN PROCEDURES”; AMENDING SECTION 301-50, ENTITLED “VARIATIONS IN DESIGN; PROCEDURE FOR REVIEW OF DESIGN VARIATIONS”; AMENDING ARTICLE 303, ENTITLED “DISTRICT DEVELOPMENT STANDARDS”; AMENDING SECTION 303-30, ENTITLED “ILLUSTRATED DEVELOPMENT STANDARD DEFINITIONS; INTERPRETATION”; AMENDING THE FOLLOWING SECTIONS: 303-40, ENTITLED “CITY CENTER (CC) DISTRICT”; SECTION 303-50, ENTITLED “NBHD-MU, NEIGHBORHOOD MIXED-USE DISTRICT”; SECTION 303-60, ENTITLED “EDBB-MU, EAST DANIA BEACH BOULEVARD MIXED-USE DISTRICT”; SECTION 303-70, ENTITLED “GTWY-MU, BEACH GATEWAY MIXED-USE DISTRICT”; SECTION 303-80, ENTITLED “SFED-MU, SOUTH FEDERAL HIGHWAY CORRIDOR MIXED-USE DISTRICT”; SECTION 303-90, ENTITLED “NBHD-RES, NEIGHBORHOOD RESIDENTIAL DISTRICT”; SECTION 303-100, ENTITLED “MARINE DISTRICT”; ARTICLE 304, ENTITLED “BUILDING HEIGHT AND TRANSITION REGULATIONS”; AT SECTIONS 304-10, ENTITLED “GENERALLY”; SECTION 304-20, ENTITLED “RULES OF HEIGHT TRANSITION FROM RESIDENTIAL ZONING DISTRICTS”; STRIKING SECTION 304-30, ENTITLED “RULES OF HEIGHT TRANSITION ADJACENT TO FEC RAILROAD CORRIDOR”; RENAMING ARTICLE 305 FROM “INCENTIVES” TO “SUSTAINABLE BUILDING REQUIREMENTS”; STRIKING SECTION 305-10 “APPLICABILITY”; STRIKING SECTION 305-20 ENTITLED “SCHEDULE OF INCENTIVES”; STRIKING SECTION 305-30 ENTITLED “INCENTIVES FOR PROVIDING PUBLIC OPEN SPACE”; STRIKING SECTION 305-40, ENTITLED “INCENTIVES FOR PROVIDING ATTAINABLE HOUSING”; STRIKING SECTION 305-50, ENTITLED “SUSTAINABLE BUILDING PRACTICES”; CREATING A NEW SECTION 305-10

ENTITLED “APPLICABILITY”; CREATING A NEW SECTION 305-20 ENTITLED “GREEN BUILDING; GREEN BUILDING PRACTICES”; CREATING A NEW SECTION 305-30, ENTITLED “THIRD PARTY CERTIFICATION REQUIRED”; STRIKING SECTION 305-60 ENTITLED “PROVIDE PUBLIC PARKING”; STRIKING SECTION 305-70 ENTITLED “INCENTIVES FOR PUBLIC PARKS”; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS”; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 28, 2010, the City of Dania Beach adopted Ordinance No.: 2010-007, which amend the City’s Comprehensive Plan’s Future Land Use Element by amending the land use classification “Regional Activity Center” (“RAC”) providing 7,818 RAC units; and

WHEREAS, on September 14, 2010, the City of Dania Beach adopted Ordinance No.: 2010-20, Community Redevelopment Area (CRA) Form-Based Zoning Districts that allowed for the implementation of the 7,818 RAC units; and

WHEREAS, the 7,818 RAC units approved in the 2010 Comprehensive Plan have been developed or pledged to site specific development projects, and those 7,818 units shall continue to be administered under the RAC Form Based Code found in Supplement 154 of the Dania Beach Code of Ordinances, dated November 30, 2022, Published By Municipal Code Corporation; and

WHEREAS, the City in December 2023, will be adopting a Comprehensive Plan Amendment to provide 4,000 additional RAC units; and simultaneously, the City of Dania Beach is adopting modified regulations for the CRA Form-Based Zoning District that would administer the new 4,000 units; and

WHEREAS, under the new RAC zoning district being created under this Ordinance the City is eliminating incentives and providing for mandatory green building requirements; and

WHEREAS, the City seeks to adopt the modified and amended CRA Form Based Zoning District for the new 4,000 units provided under the 2023 Comprehensive Plan Amendment.

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

Section 1. The preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 28 entitled the “Land Development Code”; at Part 3, “Special Zoning Districts,” at Subpart 1, “Community Redevelopment Area (CRA) Form-Based Zoning Districts” as follows:

CHAPTER 28

LAND DEVELOPMENT CODE

PART 3. SPECIAL ZONING DISTRICTS

SUBPART 1. COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS

ARTICLE 300. HOW TO USE

Sec. 300-10. The CRA includes six (6) form-based districts.

The Community Redevelopment Area (CRA) is divided into several zoning districts. Six (6) of those districts are form-based districts that are unique to the CRA. Except for section 301-20(B), which is applicable to all properties located within the Regional Activity Center (RAC) Future Land Use designation as identified in the city's Comprehensive Plan, Article 300 shall not apply to the Planned Mixed-Use Development District (PMUD) established pursuant to article 340, subpart 5 of part 3 of this chapter or the Planned Small Lot Mixed-Use Development District (PMUD-SL) established pursuant to article 350, subpart 6 of part 3 of this chapter. Each form-based zoning district has a set of regulations that apply to it, called "district development standards" in article 303. The district standards include:

- (A) A generalized list of permitted uses. The detailed list of permitted, special exception and prohibited uses is in article 302, discussed further in section 300-20, below.
- (B) Building placement and height standards, discussed further in section 300-30, below.
- (C) The types of buildings that can be constructed. There are eight (8) "types" of buildings based upon the building's function and character, discussed further in section 300-40, below.
- (D) The types of ground story configurations that are allowed along street frontages, called "frontage types", which are discussed further in section 300-50, below.

Sec. 300-20. How to determine permitted uses.

- (A) The district standards in article 303 for each district contain a simplified list of permitted uses. The purpose of the simplified list is to give the reader a quick reference guide to the general types of permitted uses and special exception uses in each district. For a detailed list of permitted uses, consult article 302.
- (B) Having more than one (1) type of use on a lot (mixed use) is encouraged in many districts. Section 302-40 determines which types of use can be mixed within a lot or within a building, and any conditions for doing so. Section 302-10, the list of permitted, special exception and

prohibited uses, is organized by use type to correspond to the use types listed in section 302-40 and again in the generalized permitted uses lists in the district regulations of article 303.

- (C) Within many of the zoning districts, some uses may be permitted on lots fronting primary streets, but not along secondary streets, and vice versa.

Sec. 300-30. How to determine the buildable area of a lot, allowable density and building height.

- (A) The district standards in article 303 for each district include a map showing maximum allowable height within the district. Permitted height varies within some districts based upon location. Article 304 has the rules for interpreting the maps.
- (B) ~~Permitted height and density is identified as "by right" and "with incentives." This means that in order to exceed the height, density or both permitted "by right", the developer must earn incentives sufficient to achieve the maximum height, density or both permitted on the lot. Incentives are detailed in article 305.~~ See additional regulations found in section 301-20(B) for maximum intensity/density limits permitted within the CRA and Comprehensive Plan.
- (C) The district standards in article 303 for each district specify build-to-lines, setbacks, minimum open space, and where parking facilities can be sited. Mandatory build-to-lines in lieu of minimum setbacks are one of the aspects that make these regulations form-based.

Sec. 300-40. How to determine the allowable kinds of buildings; an explanation of building types.

Buildings are classified into eight (8) types based upon their characteristics. For example, a row house building type is different than a mansion apartment building because mansion apartment buildings are designed to look like large single-family detached dwellings, and rowhouses cannot be mistaken for a detached single-family dwelling. Regulation of building types is one of the aspects that makes these regulations form-based. Certain building types may be permitted on primary streets but not secondary streets, and vice versa, within a district.

Sec. 300-50. How to determine the allowable kinds of building fronts; an explanation of frontage types.

- (A) *Where to find.* Every district allows certain frontage types in the district standards of article 303. The frontage types correspond to the allowable building types. The details of each frontage type are provided in article 311. Regulation of building frontages is one of the aspects that makes these regulations form-based. Certain frontage types may be permitted on primary streets but not secondary streets, and vice versa, within a district.

Example. Every building has a front side with one (1) or more entrances. The front of a retail building, for example, usually has a lot of window area for the display of merchandise, and the entrance to the storefronts is immediately next to the sidewalk, and at the same grade (elevation) as the sidewalk. If the potential customer had to climb a stair to get to the store, he or she wouldn't be able to see inside the display windows, and might not want to expend the effort needed to climb the stairs. Therefore, the "shopfront" type of frontage would

require the characteristics of façade design, entrance location and configuration, and setback from the sidewalk that are necessary for retail to be successful.

Example. An apartment building, on the other hand, needs to afford some privacy to its ground-story residents, so it is set back a little further from the sidewalk, perhaps with some landscaping or private yards abutting the sidewalk, and the entrance is above grade to reinforce the transition from the public sidewalk to private property and allow ground story windows to be above eye level at the sidewalk. The entrance to the building or ground-story units may even be off a private courtyard. Therefore, "stoop", "dooryard" or "courtyard" frontage types would be appropriate for multiple-family buildings based on the characteristics of façade design, entrance location and configuration (i.e. elevated above the sidewalk or situated behind a small private yard), and setback from the sidewalk which is necessary for quality urban living conditions.

Sec. 300-60. Other development regulations.

- (A) Article 305 contains sustainable building requirements.
- (B) Article 306 contains parking and loading standards.
- (CB) Article 307 contains landscaping standards.
- (DE) Article 308 contains signage standards.
- (ED) Article 309 contains general regulations that address fences, screening, required improvements, and more.
- (FE) Article 312 includes standards for open space design.
- (GF) Article 525 contains architecture and urban design standards.

Sec. 300-70. Commonly used abbreviations.

Abbreviation	Full Name
BTL	Build-to-line
du/ac	Dwelling units per acre
'	Feet
ft.	Feet
max.	Maximum
min.	Minimum
ROW	Street line (ultimate edge of right-of-way)
sf	Square feet
EDBB, WDBB	East Dania Beach Boulevard, West Dania Beach Boulevard
S. Fed. Hwy	South Federal Highway
CC	City Center District
EDBB-MU	East Dania Beach Boulevard Mixed-Use District
GTWY-MU	Beach Gateway Mixed-Use District
SFED-MU	South Federal Highway Mixed-Use District
NBHD-MU	Neighborhood Mixed-Use District

NBHD-RES	Neighborhood Residential District
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Sec. 300-80. Intent.

The Community Redevelopment Area (CRA) encompasses predominantly single-family and two-family residential neighborhoods, a downtown commercial district, two (2) commercial corridors, and industrial acreage. The CRA redevelopment plan identifies the redevelopment path that is needed for the CRA. Industrial development and redevelopment is in large measure going to be a function of infrastructure improvements and other capital projects, while redevelopment of the remainder of the CRA is largely going to be a function of urban development standards that will not only assist in the redevelopment of the area, but will shape the form it takes consistent with the CRA redevelopment plan objectives.

The following are the specific objectives of the urban form standards:

(A) Encourage and facilitate redevelopment through:

- ~~(1)~~ ~~Redevelopment incentives;~~
- ~~(12)~~ Clearly identifying how any given property can and should be developed;
- ~~(23)~~ Providing developers with certainty and predictability in the development review process through clear and certain direction as to the desired development outcome;
- ~~(34)~~ Allowing a wide range of land uses to accommodate real estate market cycles;
- ~~(45)~~ Providing flexibility in the permitted uses of land while not precluding reuse for the primary intended uses, nor precluding infill of urban intensity. Examples include allowing several uses within a building that is designed to ultimately house a research and product development use, or future ground floor retail that may not be supported by current market conditions;
- ~~(56)~~ Allowing maximum build-out of commercial and mixed-use properties by eliminating or minimizing building setbacks and on-lot open space requirements;
- ~~(67)~~ Establishing development standards that are most appropriate to the small lots, urban block patterns, alleys and narrow streets within parts of the CRA;
- ~~(78)~~ Flexible parking facility siting alternatives.

(B) *Long-term planning.*

- (1) Whenever a site is developed at a relatively low intensity relative to the maximum permitted intensity, the site and improvements thereon should be designed and constructed to enable buildout of the site at the maximum allowable intensity at some future time without the need for substantial demolition. Known as "beginning with the end in mind," this approach may, for example, involve designing and constructing buildings to accommodate vertical expansion and designing surface parking lots to eventually accommodate a parking structure.

(C) *Transit-oriented development.*

- (1) Allow mixing of land uses within a building or property.

- (2) Allow vertical development; allow structured parking.
- (3) Park once and walk to multiple destinations within the CRA; centralized parking, shared parking, on-street parking, internal trip capture, and modal split parking reductions.

(D) *Build a vibrant community within a community.*

- (1) Activate the sidewalks by building close to the street with parking facilities behind buildings, and by controlling the interface between building and sidewalk.
- (2) Maintain, and enhance when possible, the stability and property values of residential neighborhoods through compatible transitions to nonresidential properties, and through building form standards that bring new or expanded dwellings closer to the street with a renewed emphasis on the front yard.
- (3) Encourage development that minimizes its impact on natural resources.
- (4) Encourage development that provides urban amenities and pedestrian conveniences for the enjoyment of the general public and contribute to place making.
- (5) Bring buildings to the roadway, ensure proper proportioning and require continuous building façades to "enclose" designated streets in order to help create a lively and visually appealing environment that invites people to live, locate businesses, and spend time shopping, dining and interacting with others.
- (6) Foster a safe pedestrian environment by increasing the opportunity for day and night activity on the public sidewalks and by ensuring "eyes on the street" through mixing of uses, fenestration and access standards.
- (7) Reinforce the interconnectivity of the urban components of buildings, streets, sidewalks, open spaces, transit facilities, and parking facilities.
- (8) Encourage visual interest by ensuring the building and visual landscapes are accented rather than their parking facilities.
- (9) Require the location of on-site parking facilities in the rear yard, accessed when possible through rear alleys or side streets.

ARTICLE 301. LEGAL AND ADMINISTRATIVE PROVISIONS

Sec. 301-10. Short title.

The provisions of part 3, subpart 1 of the Land Development Code shall be referred to as the "Community Redevelopment Area form-based districts", or "CRA form-based districts".

Sec. 301-20. Applicability.

- (A) *Conflict with other regulations.* The CRA form-based district regulations shall specifically prevail over all other regulations of this code in the case of conflict.
- (B) *Regional Activity Center limitations.* All development within the CRA form-based districts is subject to the ~~maximum overall~~, "pooled" intensity limits ~~permitted established in the Future Land Use Element of the Comprehensive Plan for the underlying Regional Activity Center (RAC) land use category.~~ The intensity limits include the total number of residential units and total area of nonresidential development that can be constructed within the more than 1,300 acres encompassed by the RAC. ~~within the CRA form-based districts by the Comprehensive Plan.~~ Development in the CRA form-based districts is also subject to the restrictions and requirements placed on the allocation of such intensities set forth in the RAC provisions of the Comprehensive Plan, including but not limited to, allowable dwelling unit types and dwelling unit affordability criteria. Therefore, the ~~Regional Activity Center (RAC) allowable land use and density identified provisions~~ in the Future Land Use Element of the Comprehensive Plan, Future Land Use Element, and the remaining available development intensities in the RAC, tracked by the Community Development Department, should be consulted to ensure the consistency of any development proposal with the Future Land Use Element land use plan (acreage, dwelling units, etc.).
- (C) *Vesting for certain dwelling units.* Development utilizing the initial pool of 7,818 dwelling units established with the adoption of the RAC in 2010 shall be vested under the regulations of this Subpart as they existed in Supplement 154 of the Dania Beach Code of Ordinances, dated November 30, 2022, published by Municipal Code Corporation. Previous code versions can be viewed online through the Municipal Code Corporation's "municode" website, which are organized by supplement number, and at the City Clerk's office.
- (D) *Procedure when RAC units near depletion.* When the number of available dwelling units assigned to the RAC land use designation falls below fifteen (15) percent of the total number of approved units, the following additional information must be provided:
 - (1) The applicant shall enter into a developer's agreement prior to a public hearing stating the developer will not request utilization of any of the Governor's Executive Order extensions, thereby returning any unused RAC units upon expiration of the term of the developer's agreement, which authorization period shall not exceed thirty (30) months.
 - (2) The applicant must provide a project proforma, illustrating project financing exists for development of the proposed project prior to public hearing.

- (3) The applicant must provide a tax benefit/cost analysis of the project illustrating projected property tax increase once the project is completed, as well as anticipated municipal expenditures, such as for police, fire, water/sewer services, etc.
- (4) The applicant must identify how the project approval and construction will benefit the community, such as through installation of bicycle rental stations, participation in a free trolley/shuttle service, etc.
- (5) Any project in which the City has partnered with another person or entity utilizing Florida Housing Finance Corporation funds shall be exempt from subparagraphs (1)—~~(4)~~ above.

~~(E)~~ *Graphic vs. text conflicts.* In the event of a conflict between text and any illustration or graphic, the text shall prevail.

~~(F)~~ *Map conflicts.* In the event of a conflict between district boundary maps and the official zoning map, the official zoning map shall prevail.

Sec. 301-30. Nonconformities.

Nonconformities shall be governed by article 710 except as provided in this section.

- (A) ~~*Nonconforming characteristics of use.*~~ Nonconforming characteristics of use not addressed in article 710, including, but not limited to, location of parking facilities, access to parking facilities, design and architecture, and other requirements unique to the CRA form-based districts shall be subject to the same rules, thresholds and conditions for compliance as nonconforming buildings and structures.
- (B) *Nonconforming buildings and structures.*
 - (1) ~~*Modifications.*~~ Modification to the shell or interior of nonconforming buildings or structures is permitted without triggering compliance of said building or structure with these regulations.
 - (2) *Expansion.* The expansion of a nonconforming building or structure is permitted as long as the cumulative square footage of such expansion within any five-year period does not exceed twenty-five (25) percent of the gross floor area of a building as it existed upon the effective date of these regulations. In the event that the cumulative

five-year threshold is met, compliance with these regulations shall be required if the city determines that substantial compliance with these regulations can be achieved without compromising the intended use of the expansion and logistics of the building and site layout.

- (C) *Nonconforming single-family dwellings.* Nonconforming single-family dwellings existing on the effective date of this subpart and their accessory structures may remain in perpetuity and may be repaired, rebuilt and expanded regardless of nonconformity with the provisions of this article. Once a single-family dwelling is replaced with another use, no single-family dwelling can be reestablished on the lot.

Sec. 301-40. Site plan procedures.

Applications for site plans shall be governed by the requirements of article 635. ~~Prospective applicants for site plan approval are encouraged to submit for conceptual approval prior to finalizing and submitting a formal site plan application. Conceptual approval offers the developer an immediate opportunity to obtain feedback from the city's professional staff and decision makers as to the project design, architecture, application for incentive bonuses, and if necessary, design variations (see [section] 301-50 below). The conceptual approval process, submittal requirements, application fee, and schedules shall be established administratively.~~

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

- (A) *Intent and purpose.* The CC, SFED-MU, EDBB-MU and NBHD-MU districts emphasize urban design principles in order to effect attractive and functional mixed-use urban redevelopment that is unique to the City of Dania Beach's urban center, corridors and neighborhoods within the CRA. In order to accomplish this, the four above-referenced districts have specific, prescribed development standards rather than minimums and maximums, to define the urban form of future development. It is the intent of this section to provide a mechanism for evaluating and granting requests for variation from the standards and requirements of these regulations that can occasionally be expected for the following reasons:

- (1) To acknowledge the variation in conditions that exist, and the difficulty of accounting for them in a design-specific regulation.
- (2) To facilitate design interpretations and alternatives that work as well as the prescribed standard.

- (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. Design variations are not authorized for varying the following code requirements, which are not specific to the regulations of this subpart:

- (1) ~~Maximum height design variations are limited to ten (10) percent 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:

- (a) Maximum density;
- (b) Maximum impervious area;
- (c) Maximum lot coverage;
- (d) Minimum open space;
- (e) Parking and loading;
- (f) Signage.

(C) *Procedure.*

- (1) Design variations associated with site plan and site plan modifications shall be considered as part of such site plan or modification applications.
- (2) Submittal requirements shall be established administratively.
- (3) The request for design variation shall be evaluated based upon the criteria set forth in this section, and the procedures for processing site plans in sections 635-70 (Site plans) and 635-80 (Site plan modifications).

(D) *Standard of review for design variations.* The planning and zoning board or city commission, as applicable, shall use the following criteria when evaluating requests for design variation:

- (1) Whether the request is for a reasonable accommodation of design flexibility that results in overall superior development and design consistent with the intent and principles of this subpart that govern the standard for which variation is requested; or
- (2) Whether the variation is appropriate to accommodate site conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent with the intent and principles of this subpart that govern the standard for which variation is requested.

(E) *Variance procedure.* Variance requests shall be processed pursuant to article 625.

* * *

ARTICLE 303. DISTRICT DEVELOPMENT STANDARDS

Sec. 303-10. Applicability.

Each district has its own set of development standards in this article, many of which are used in varying combinations to control the form that buildings take and their placement and relationship relative to the street. All provisions of this article are requirements. All standards for

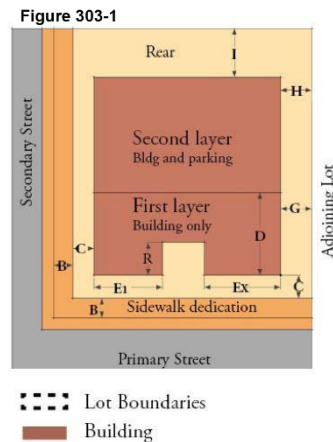
which there is a BTL or minimum or maximum shall read as "required BTL", "minimum required" (or requirement per context), and "maximum permitted".

Sec. 303-20. Abbreviations used in this Article.

Abbreviation	Meaning
BTL	Built-to-line
Min.	Minimum
Max.	Maximum
%	Percentage
NP	Not permitted
F.A.R.	Floor area ratio
Du/ac	Dwelling unit per acre
TOD	Transit oriented development
Ft; sf	Feet; square feet
'	Feet
St.	Street
Ave.	avenue
EDBB	East Dania Beach Boulevard
WDBB	West Dania Beach Boulevard
S. Fed. Hwy	South Federal Highway
NBHD	Neighborhood
GTWY	Gateway
FEC	Florida East Coast Railway

Sec. 303-30. Illustrated development standard definitions; interpretation.

(A) *Building and parking placement.*



- (1) *"B"* in diagram. *Sidewalk dedication*: when existing right-of-way is insufficient for wide sidewalks, on-street parking, or both, as specified on the street sections approved by the city commission in the CRA redevelopment plan, a dedication is required pursuant to section 309-10.
- (2) *"C"* in diagram. *Build-to-line (BTL) or setback*: the regulations require either a BTL, a paired min. and max. setback, or a min. setback for all buildings.

A BTL is an exact building setback line parallel to the block face, upon which the entire building façade of at least the lowest three (3) stories must be built, except as provided for jogs in the façade (see "E1, Ex"), and allowable encroachments such as arcades and stoops.

- (3) *Primary and secondary street standards, as shown in Figure 303-1 and Table 303-1*. A primary street shall always be considered the front street. In the case of two (2) primary streets, both must be treated as the front street. Primary street standards govern all buildings with primary street frontage, regardless of any corner side frontage on a secondary street. Secondary street standards govern buildings that front only upon one or more secondary streets.

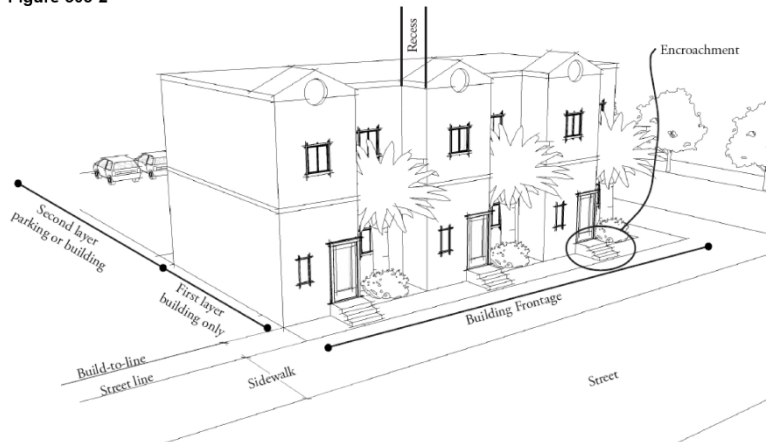
Diagram Key	Setback requirement:	Primary Street	Secondary Street
"C"	Front Street		
	Corner Street		
"G"	Side, 1st layer		
"H"	Side, 2nd layer		
"I"	Rear		

- (4) *"D"* in diagram. *Layers*: the buildable area of each lot (portions of the lot not required for setbacks and yards) is divided into a first layer and second layer demarcated by imaginary lines for the purpose of regulating which of the following activities can occur in each: building, surface parking or structured parking. The first layer is comprised of

the front twenty (20) to thirty (30) feet of a lot (varies by zone), measured from the BTL, and is the part of the lot that the building must occupy when a BTL is established. The second layer is located to the rear of the first layer, and generally represents the area where parking, building or both can occur. See also Figure 303-2.

- (5) *Shown in Figure 303-2. Street line* is the back edge of the right-of-way, after any required dedications. In this illustration, the street line is the back edge of the sidewalk. This represents the transition from public realm to private property.

Figure 303-2



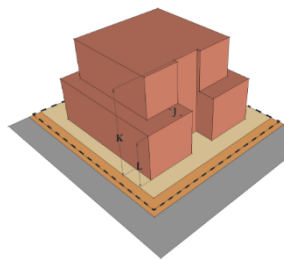
(B) *Building frontage*. Regulates the undulation of street-facing building façades.

- (1) *"E₁" and E_x" in diagram. Min. building frontage requirement:* regulates how much of the building façade must be built on the BTL and how much (by default) can be built behind the BTL. The building frontage requirement applies only to the first layer (see "D" in Figure 303-1), and is expressed as a percentage of lot width that has to be built on the BTL. Example: a building frontage requirement of fifty (50) percent on a lot that is one hundred (100) feet wide means that at least fifty (50) feet of the building façade must be placed on the BTL. *This standard also works in tandem with the side setback (or BTL) requirement (see "G" in figure 303-1) and corner street setback (or BTL) requirement. In the example above, if there is a first layer side yard requirement of zero (0) to ten (10) feet, then the first layer of the building must be at least eighty (80) feet long (one hundred (100) feet of lot width less two (2) ten-foot side yards), with at least fifty (50) feet built at the BTL.*
- (2) *"R" in diagram. Max. building recess* describes the maximum distance that any part of a building can be placed behind the BTL or max. setback line (see Figure 303-1). This standard does not apply to courtyard and forecourt types. Usually, a limited portion of the façade may be built behind the BTL, but no further than the maximum recess dimension. In the illustration, the building has three (3) entrances built at the BTL, and three (3) jogs in the building façade that allow landscaping between the building and

sidewalk. In Figure 303-2, approximately fifty (50) percent (one-half) of the building façade is recessed from the BTL. The distance at which the building jogs backward from the BTL is called the recess.

- (3) "G" in diagram. *Interior side BTL or setback:* In most districts, there are different side building placement standards for the first layer and second layers. Since the first layer contains the building frontage on the street, it is important to control how far from the side lot line the building can be set back, if at all. Minimizing side yards helps to maintain the "building street wall" in the mixed-use districts, and the continuity of building frontage along the street maintains pedestrian interest and minimizes gaps that could present opportunities for criminals. Within the second layer, there is often just a minimum setback.

Figure 303-3



- (4) *Shown in Figure 303-2, Encroachment* is any part of the building structure that extends forward of the BTL, but remains behind the street line unless an encroachment is specifically authorized to extend forward of the street line, such as for awnings, galleries and arcades. In Figure 303-2, the stoops at the building entrances are permitted encroachments. Although the term is used in the frontage type regulations and not the district standards, it is illustrated here.

(C) *Upper story setbacks.*

- (1) "L" in diagram. *Maximum height before additional setback required for upper stories:* ~~refers to the lower portion of a building that is not subject to an additional setback requirement for upper stories~~ ~~is established for all districts that allow building heights greater than three (3) stories.~~
- (2) "J" in diagram: *Upper-level building setback:* refers to the vertical plane modulation of a building and is the minimum required perpendicular distance that a building wall and elements must be recessed from the BTL or minimum setback line, as applicable.

(D) *Height regulations.*

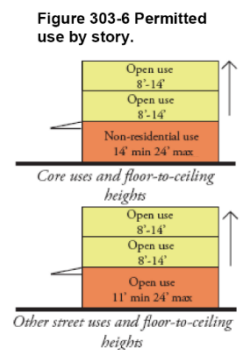
- (1) "K" in diagram. *Max. allowable height:* is established within each district for all buildings, ~~and is broken down by height allowed "by right" and height allowed if incentive bonuses are awarded pursuant to article 305.~~ Maximum height in transitional areas may be limited by article 304.

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

- (A) *Intent and purpose.* To establish a mixed-use downtown with transit supportive densities and intensities where citizens can work, live, and shop in the economic, governmental, entertainment and cultural focal point of Dania Beach. This district is designed to encourage accessible, active, pedestrian-oriented areas within walking distance of a prospective transit station on the FEC railway.
- (B) *Density.* Max. fifty (50) du/ac ~~by right; up to one hundred fifty (150) du/ac with density bonus (see article 305).~~
- (C) ~~F.A.R. Max. 8.0~~Reserved.
- (D) *Generalized permitted uses (see article 302 for specific uses and conditions of use).*

Uses	Core Streets*	Other Streets
Residential Multifamily	U	✓
Commercial (Mixed use compatible)	✓	✓
General Commercial	✓	✓
Restricted Commercial	**	**
Entertainment	✓	✓
Lodging	✓	✓
Civic and institutional	✓	✓
Transportation	✓	✓

✓ - Permitted use	* - See subsection (E) below
U - Upper floors only	** - See section 302-40



(~~I~~H) *Landscaping*. See article 307.

(~~J~~I) *Signage*. See article 308.

(~~K~~J) *Additional development standards*. See article 309.

(~~L~~K) *Architectural and design standards*. See article 525.

(~~M~~L) *Building placement standards*.

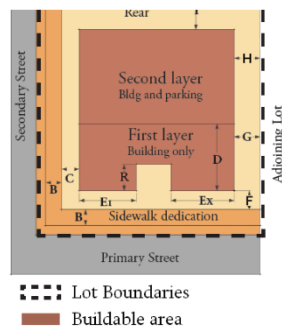
Diagram Key	NP = not permitted		Core	Outside core
"F"	Front street setback	Shopfront	0'—5'	0'—5'
		with arcade	0'—10'	0'—10'
		Stoop	NP	4'—8'
		Dooryard	NP	8'—12'
		Balcony over porch	NP	8'—12'
"C"	Corner street setback		0'—5'	0'—5'
"G"	Interior side setback, 1st layer		0' min	0' min
"H"	Interior side setback, 2nd layer		0' min.	0' min.
"I"	Rear setback		0' min.	0' min.

(~~N~~M) *Building frontage standards*.

Diagram Key	Standard	
"D"	Min. depth of building in 1st layer	30'

"E ₁ + .. + E _x "	% of lot width for which a façade must on the BTL	70%
"R"	Max. allowable recess from BTL	10'

Figure 303-8 Building Placement



Sidewalk dedication: pursuant to adopted CRA Plan street sections. See sec. 309-10; "B" in diagram.

(ON) Allowable building types, frontage types (see articles 310 and 311 for details) and minimum lot dimensions.

Building Types	Frontage Types						Lot Dimension	
	Balcony over Porch	Dooryard	Stoop	Shopfront	Arcade		Width *	Depth
Rowhouse		O	O				75'	100'
Apartment	O	O	O				50'	100'
Live-work				O			50'	100'
Commercial/Mixed Use				O, C	O, C		50'	100'
Civic	See civic building standards							

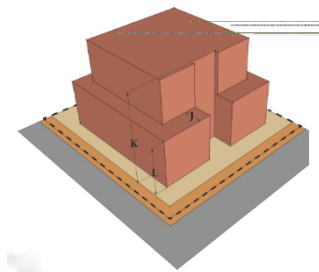
* Add twenty-five (25) feet if no parking access from rear yard.	
C - Core street frontage	O - Frontage outside core

~~(PQ)~~ Height: "K", district max. is ~~seven (7) fourteen (14) stories and one hundred fifty (150) feet~~ and varies by location (see height map and article 304). ~~Height greater than fourteen (14) stories or one hundred fifty (150) feet may be granted by a special exception approval, pursuant to Section 630-50. Min. lot dimensions for buildings over six (6) stories and seventy (70) feet are one hundred (100) feet by one hundred fifty (150) feet, with a minimum~~ Min. two (2) habitable stories required in the CC District core. ~~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 (1) foot of horizontal distance from an adjacent residential zoning district boundary or F.E.C. Railroad right-of-way. Therefore, allowable height within one (1) portion of a property might be different than that permitted on another portion. Buildings must be designed accordingly. The allowable height of buildings just outside of the district boundary is shown for information purposes.~~

~~(QP)~~ Upper story setback standards.

Building side	Min. Upper Story Recess "J"	Height Before Required Recess "L"
U.S. 1	Not required	N/A
Street, other	10'	36 stories
Interior side	Greater of 12 percent of lot width or 15'	36 stories/ 75' (lesser of)
Rear	15'; 5' if alley exists	36 stories/ 75' (lesser of)

Figure 303-9 Upper story setbacks.



~~(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.~~

Map of the City Center District (2015)

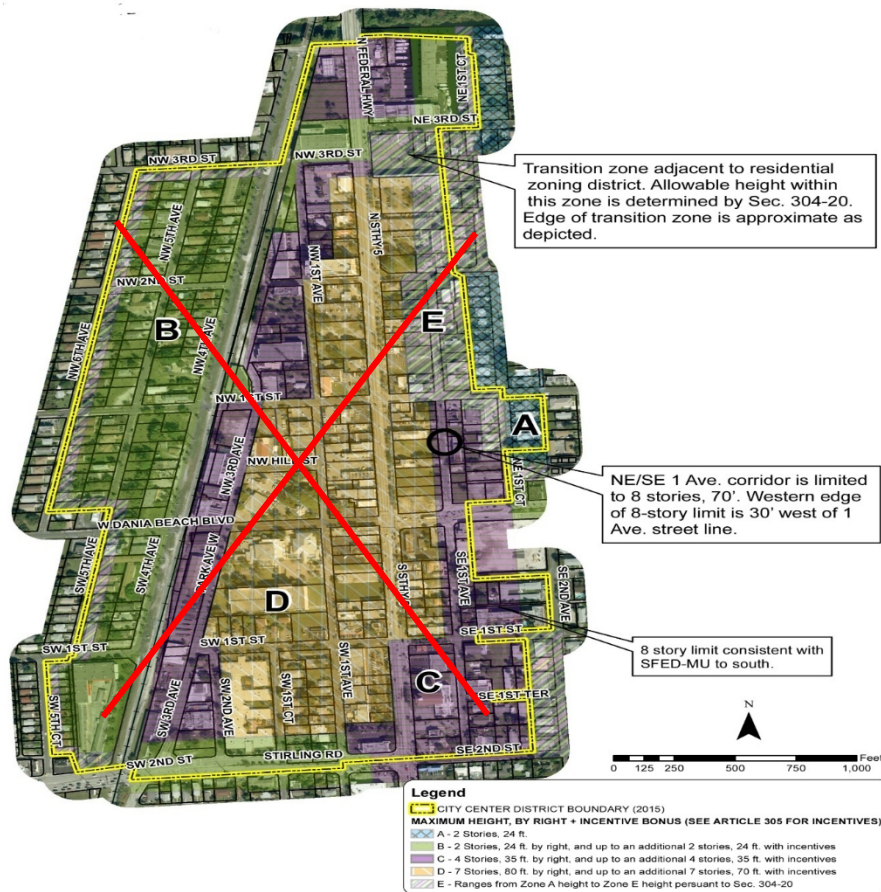
Legend

- CITY CENTER DISTRICT BOUNDARY (2015)
- Maximum Allowable Height**
 - Height Zone A - 2 Stories
 - Height Zone B - 3 Stories
 - Height Zone C - 4 Stories
 - Height Zone D - 7 Stories
 - Height Zone E - Ranges from 2 to 7 stories pursuant to Sec. 304-20

Callouts:

- Transition zone adjacent to residential zoning district. Allowable height within this zone is determined by Sec. 304-20. Edge of transition zone is approximate as depicted.
- NE/SE 1 Ave. corridor is limited to 4 stories. Western edge of 4-story limit is 30' west of 1 Ave. street line.
- 4 story limit consistent with SFED-MU to south.

Streets shown: NW 3RD ST, NW 2ND ST, NW 1ST ST, NW 4TH ST, NW 5TH ST, NW 6TH ST, NW 7TH ST, NW 8TH ST, NW 9TH ST, NW 10TH ST, NW 11TH ST, NW 12TH ST, NW 13TH ST, NW 14TH ST, NW 15TH ST, NW 16TH ST, NW 17TH ST, NW 18TH ST, NW 19TH ST, NW 20TH ST, NW 21ST ST, NW 22ND ST, NW 23RD ST, NW 24TH ST, NW 25TH ST, NW 26TH ST, NW 27TH ST, NW 28TH ST, NW 29TH ST, NW 30TH ST, NW 31ST ST, NW 32ND ST, NW 33RD ST, NW 34TH ST, NW 35TH ST, NW 36TH ST, NW 37TH ST, NW 38TH ST, NW 39TH ST, NW 40TH ST, NW 41ST ST, NW 42ND ST, NW 43RD ST, NW 44TH ST, NW 45TH ST, NW 46TH ST, NW 47TH ST, NW 48TH ST, NW 49TH ST, NW 50TH ST, NW 51ST ST, NW 52ND ST, NW 53RD ST, NW 54TH ST, NW 55TH ST, NW 56TH ST, NW 57TH ST, NW 58TH ST, NW 59TH ST, NW 60TH ST, NW 61ST ST, NW 62ND ST, NW 63RD ST, NW 64TH ST, NW 65TH ST, NW 66TH ST, NW 67TH ST, NW 68TH ST, NW 69TH ST, NW 70TH ST, NW 71ST ST, NW 72ND ST, NW 73RD ST, NW 74TH ST, NW 75TH ST, NW 76TH ST, NW 77TH ST, NW 78TH ST, NW 79TH ST, NW 80TH ST, NW 81ST ST, NW 82ND ST, NW 83RD ST, NW 84TH ST, NW 85TH ST, NW 86TH ST, NW 87TH ST, NW 88TH ST, NW 89TH ST, NW 90TH ST, NW 91ST ST, NW 92ND ST, NW 93RD ST, NW 94TH ST, NW 95TH ST, NW 96TH ST, NW 97TH ST, NW 98TH ST, NW 99TH ST, NW 100TH ST, NW 101ST ST, NW 102ND ST, NW 103RD ST, NW 104TH ST, NW 105TH ST, NW 106TH ST, NW 107TH ST, NW 108TH ST, NW 109TH ST, NW 110TH ST, NW 111ST ST, NW 112ND ST, NW 113RD ST, NW 114TH ST, NW 115TH ST, NW 116TH ST, NW 117TH ST, NW 118TH ST, NW 119TH ST, NW 120TH ST, NW 121ST ST, NW 122ND ST, NW 123RD ST, NW 124TH ST, NW 125TH ST, NW 126TH ST, NW 127TH ST, NW 128TH ST, NW 129TH ST, NW 130TH ST, NW 131ST ST, NW 132ND ST, NW 133RD ST, NW 134TH ST, NW 135TH ST, NW 136TH ST, NW 137TH ST, NW 138TH ST, NW 139TH ST, NW 140TH ST, NW 141ST ST, NW 142ND ST, NW 143RD ST, NW 144TH ST, NW 145TH ST, NW 146TH ST, NW 147TH ST, NW 148TH ST, NW 149TH ST, NW 150TH ST, NW 151ST ST, NW 152ND ST, NW 153RD ST, NW 154TH ST, NW 155TH ST, NW 156TH ST, NW 157TH ST, NW 158TH ST, NW 159TH ST, NW 160TH ST, NW 161ST ST, NW 162ND ST, NW 163RD ST, NW 164TH ST, NW 165TH ST, NW 166TH ST, NW 167TH ST, NW 168TH ST, NW 169TH ST, NW 170TH ST, NW 171ST ST, NW 172ND ST, NW 173RD ST, NW 174TH ST, NW 175TH ST, NW 176TH ST, NW 177TH ST, NW 178TH ST, NW 179TH ST, NW 180TH ST, NW 181ST ST, NW 182ND ST, NW 183RD ST, NW 184TH ST, NW 185TH ST, NW 186TH ST, NW 187TH ST, NW 188TH ST, NW 189TH ST, NW 190TH ST, NW 191ST ST, NW 192ND ST, NW 193RD ST, NW 194TH ST, NW 195TH ST, NW 196TH ST, NW 197TH ST, NW 198TH ST, NW 199TH ST, NW 200TH ST, NW 201ST ST, NW 202ND ST, NW 203RD ST, NW 204TH ST, NW 205TH ST, NW 206TH ST, NW 207TH ST, NW 208TH ST, NW 209TH ST, NW 210TH ST, NW 211ST ST, NW 212ND ST, NW 213RD ST, NW 214TH ST, NW 215TH ST, NW 216TH ST, NW 217TH ST, NW 218TH ST, NW 219TH ST, NW 220TH ST, NW 221ST ST, NW 222ND ST, NW 223RD ST, NW 224TH ST, NW 225TH ST, NW 226TH ST, NW 227TH ST, NW 228TH ST, NW 229TH ST, NW 230TH ST, NW 231ST ST, NW 232ND ST, NW 233RD ST, NW 234TH ST, NW 235TH ST, NW 236TH ST, NW 237TH ST, NW 238TH ST, NW 239TH ST, NW 240TH ST, NW 241ST ST, NW 242ND ST, NW 243RD ST, NW 244TH ST, NW 245TH ST, NW 246TH ST, NW 247TH ST, NW 248TH ST, NW 249TH ST, NW 250TH ST, NW 251ST ST, NW 252ND ST, NW 253RD ST, NW 254TH ST, NW 255TH ST, NW 256TH ST, NW 257TH ST, NW 258TH ST, NW 259TH ST, NW 260TH ST, NW 261ST ST, NW 262ND ST, NW 263RD ST, NW 264TH ST, NW 265TH ST, NW 266TH ST, NW 267TH ST, NW 268TH ST, NW 269TH ST, NW 270TH ST, NW 271ST ST, NW 272ND ST, NW 273RD ST, NW 274TH ST, NW 275TH ST, NW 276TH ST, NW 277TH ST, NW 278TH ST, NW 279TH ST, NW 280TH ST, NW 281ST ST, NW 282ND ST, NW 283RD ST, NW 284TH ST, NW 285TH ST, NW 286TH ST, NW 287TH ST, NW 288TH ST, NW 289TH ST, NW 290TH ST, NW 291ST ST, NW 292ND ST, NW 293RD ST, NW 294TH ST, NW 295TH ST, NW 296TH ST, NW 297TH ST, NW 298TH ST, NW 299TH ST, NW 300TH ST, NW 301ST ST, NW 302ND ST, NW 303RD ST, NW 304TH ST, NW 305TH ST, NW 306TH ST, NW 307TH ST, NW 308TH ST, NW 309TH ST, NW 310TH ST, NW 311ST ST, NW 312ND ST, NW 313RD ST, NW 314TH ST, NW 315TH ST, NW 316TH ST, NW 317TH ST, NW 318TH ST, NW 319TH ST, NW 320TH ST, NW 321ST ST, NW 322ND ST, NW 323RD ST, NW 324TH ST, NW 325TH ST, NW 326TH ST, NW 327TH ST, NW 328TH ST, NW 329TH ST, NW 330TH ST, NW 331ST ST, NW 332ND ST, NW 333RD ST, NW 334TH ST, NW 335TH ST, NW 336TH ST, NW 337TH ST, NW 338TH ST, NW 339TH ST, NW 340TH ST, NW 341ST ST, NW 342ND ST, NW 343RD ST, NW 344TH ST, NW 345TH ST, NW 346TH ST, NW 347TH ST, NW 348TH ST, NW 349TH ST, NW 350TH ST, NW 351ST ST, NW 352ND ST, NW 353RD ST, NW 354TH ST, NW 355TH ST, NW 356TH ST, NW 357TH ST, NW 358TH ST, NW 359TH ST, NW 360TH ST, NW 361ST ST, NW 362ND ST, NW 363RD ST, NW 364TH ST, NW 365TH ST, NW 366TH ST, NW 367TH ST, NW 368TH ST, NW 369TH ST, NW 370TH ST, NW 371ST ST, NW 372ND ST, NW 373RD ST, NW 374TH ST, NW 375TH ST, NW 376TH ST, NW 377TH ST, NW 378TH ST, NW 379TH ST, NW 380TH ST, NW 381ST ST, NW 382ND ST, NW 383RD ST, NW 384TH ST, NW 385TH ST, NW 386TH ST, NW 387TH ST, NW 388TH ST, NW 389TH ST, NW 390TH ST, NW 391ST ST, NW 392ND ST, NW 393RD ST, NW 394TH ST, NW 395TH ST, NW 396TH ST, NW 397TH ST, NW 398TH ST, NW 399TH ST, NW 400TH ST, NW 401ST ST, NW 402ND ST, NW 403RD ST, NW 404TH ST, NW 405TH ST, NW 406TH ST, NW 407TH ST, NW 408TH ST, NW 409TH ST, NW 410TH ST, NW 411ST ST, NW 412ND ST, NW 413RD ST, NW 414TH ST, NW 415TH ST, NW 416TH ST, NW 417TH ST, NW 418TH ST, NW 419TH ST, NW 420TH ST, NW 421ST ST, NW 422ND ST, NW 423RD ST, NW 424TH ST, NW 425TH ST, NW 426TH ST, NW 427TH ST, NW 428TH ST, NW 429TH ST, NW 430TH ST, NW 431ST ST, NW 432ND ST, NW 433RD ST, NW 434TH ST, NW 435TH ST, NW 436TH ST, NW 437TH ST, NW 438TH ST, NW 439TH ST, NW 440TH ST, NW 441ST ST, NW 442ND ST, NW 443RD ST, NW 444TH ST, NW 445TH ST, NW 446TH ST, NW 447TH ST, NW 448TH ST, NW 449TH ST, NW 450TH ST, NW 451ST ST, NW 452ND ST, NW 453RD ST, NW 454TH ST, NW 455TH ST, NW 456TH ST, NW 457TH ST, NW 458TH ST, NW 459TH ST, NW 460TH ST, NW 461ST ST, NW 462ND ST, NW 463RD ST, NW 464TH ST, NW 465TH ST, NW 466TH ST, NW 467TH ST, NW 468TH ST, NW 469TH ST, NW 470TH ST, NW 471ST ST, NW 472ND ST, NW 473RD ST, NW 474TH ST, NW 475TH ST, NW 4



Sec. 303-50. NBHD-MU, neighborhood mixed-use district.

- (A) *Intent and purpose.* May be applied along existing and planned collector streets that border neighborhoods and along portions of some arterial roadways where neighborhood-scale commercial and multiple-family residential uses are desirable, as follows: West Dania Beach Boulevard, Stirling Road, Phippen Waiters Road, West Dixie Highway and Sheridan Street.

Each such street is a primary street for the purposes of this section. The development pattern associated with this district is linear, typically one lot deep along a thoroughfare. Rear yards are required in order to accommodate parking and loading, and provide separation from the residential neighborhoods typically bordering the rear lot lines.

(B) *Density*. Max. 18 du/ac; ~~up to 35 du/ac with density bonus as provided in article 305.~~

(C) ~~F.A.R. Max 0.75~~ Reserved.

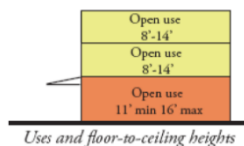
(D) *Generalized permitted uses (see article 302 for specific uses and conditions of use).*

Uses	
Residential single-family	*
Residential two-family	*
Residential Multifamily	✓
Commercial (Mixed use compatible)	✓
General Commercial	✓
Restricted commercial	
Entertainment	✓
Lodging	
Civic and institutional	✓
Transportation	✓
Industrial	

✓ - Permitted use

* - Restricted to buildings with secondary street frontages only

Figure 303-11 Permitted use by story.

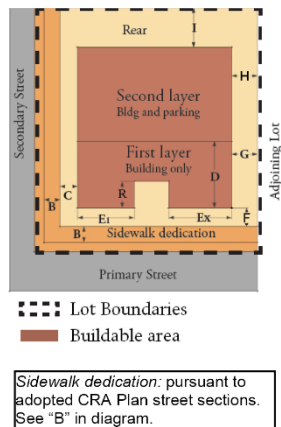


(E) *Building placement standards.*

Diagram Key	Yard; Frontage Type		Primary Street	Secondary Street
"F"	Front Street Setback	Shopfront	0'—5'	NP
		Stoop	4'—8'	NP
		Dooryard	8'—12'	NP
		Balcony over porch	8'—12'	15' BTL

		Porch	NP	15' BTL
"C"	Corner street setback		0'—5'	0—5'
"G"	Interior side setback, first layer		0' min.	7' min.
"H"	Interior side setback, second layer		0' min.	7' min.
"I"	Rear setback		10' min.	15' min.

Figure 303-12 Building placement.



(F) *Frontage standards.*

Key	Standard	
"D"	Min. depth of building in first layer	30'
"E ₁ +...+E _x "	% of lot width for which façade must be on the BTL	50%
"R"	Max. recess from BTL	10'

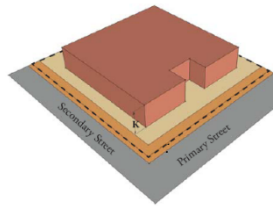
(G) *Height.*

	Primary Street	Secondary Street
Maximum height "K"	2—3 stories, 24'—	2 stories, 25'

	35' prime; **	
--	--	--

~~** Two (2) stories plus one (1) additional story available as an incentive per article 305 provided not more than 50% of any block may exceed 2 stories.~~

Figure 303-13 Building height.



(H) Allowable building types, frontage types (see articles 310 and 311 for details) and minimum lot dimensions.

Building Types	Frontage types						Lot Dimension	
	Porch	Balcony	Doorway	Stoop	Shopfront	Arcade	Width	Depth
Single-Family	S	S						
Two-Family	S	S						
Mansion							75'	100'
Rowhouse		P	P	P			75'	100'
Apartment		P	P	P			50'	100'
Live-Work					P		50'	100'
Commercial/Mixed Use					P	P	50'	100'
Civic	See civic building standards							

P - Primary street frontage

S - Secondary street frontage, subject to conditions of use for NBHD-RES District

(I) *Pervious landscaped lot area.* Min. fifteen (15) percent; ~~may be reduced to zero (0) percent with an incentive bonuses (see article 305).~~ Subsection 303-30(E)(4) provides for payment-in-lieu.

(J) *Sustainable building requirements.* See article 305.

(K) *Parking and loading.* See article 306. Parking is permitted only in the second layer.

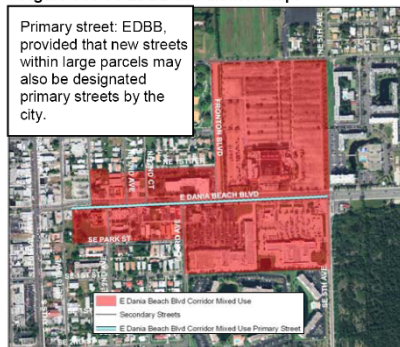
(L) *Landscaping.* See article 307.

(MK) *Signage.* See article 308.

- (~~NL~~) *Additional development standards.* See article 309.
- (~~OM~~) *Architectural and design standards.* See article 525.
- (~~PN~~) *Landscaping.* See article 307.

Sec. 303-60. EDBB-MU, East Dania Beach Boulevard Mixed-Use District.

Figure 303-14 EDBB-MU district map.



- (A) *Intent and purpose.* Redevelopment to place a greater emphasis on pedestrian activity and transit supportive development. This will be accomplished by building close to the street, relocating parking facilities behind buildings, and mixing residential and commercial uses at medium to high intensities.
- (B) *Density.* Thirty-five (35) du/ac ~~by right; up to seventy-five (75) du/ac with density bonus.~~
- (C) ~~F.A.R. Max. eight (8.0)~~ Reserved.
- (D) *Pervious landscaped lot area.* For lots five (5) acres and smaller, min. ten (10) percent; ~~may be decreased to zero (0) percent with incentive bonuses (see article 305).~~ For lots over five (5) acres, min. twenty (20) percent; ~~may be reduced to fifteen (15) percent with incentive bonus.~~ Subsection 303-30(E)(4) provides for payment-in-lieu.
- (E) *Sustainable building requirements.* See article 305.
- (~~F~~) *Parking and loading.* See article 306. Parking is permitted only in the second layer.
- (~~GF~~) *Landscaping.* See article 307.
- (~~HG~~) *Signage.* See article 308.
- (~~IH~~) *Additional development standards.* See article 309.
- (~~JH~~) *Architectural and design standards.* See article 525.
- (~~KJ~~) *Generalized permitted uses (see article 302 for specific uses and conditions of use).*

Uses	Primary Street	Secondary Street
Residential Single-Family		

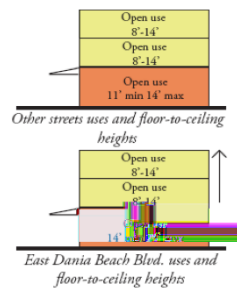
Residential Multifamily	✓	✓
Commercial (Mixed-Use Compatible)	✓	*
General Commercial	✓	
Restricted Commercial	**	
Entertainment	✓	
Lodging	✓	
Civic and Institutional	✓	✓
Transportation	✓	
Industrial		

✓ - Permitted use

* - Only select uses permitted

** - See section 302-40

Figure 303-15 Permitted use by story.



(KL) Building placement standards.

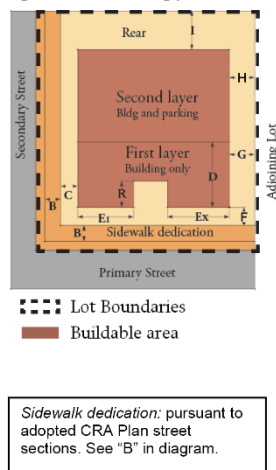
Diagram Key	NP = not permitted		Primary Street	Secondary Street
"F"	Front Street Setback	Shopfront	0'—5' BTL	0'—10'
		with arcade	0'—10'	NP
		Stoop	4'—8'	4'—8'
		Dooryard	8'—12'	8'—12'
		Porch	NP	15' BTL

	Balcony over porch	8'—12'	8'—12'
"C"	Corner side setback	0'—5'	
"G"	Interior side setback, 1st layer	0' min.	0' min.
"H"	Interior side setback, 2nd layer	0' min.	0' min.
"I"	Rear setback	0' min.	0' min.

(ML) *Building frontage standards.*

Diagram Key	Standard	Primary Street	Secondary Street
"D"	Min. depth of building in 1st layer	30'	30'
"E ₁ +..+E _x "	% of lot width for which façade must be on the BTL	70%	50%
"R"	Max. recess from BTL	10'	15'

Figure 303-16 Building placement.



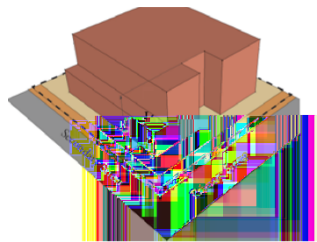
(NM) Allowable building types, frontage types (see articles 310 and 311 for details) and minimum lot dimensions.

Building Types	Frontage types							Lot Dimension	
	Porch	Balcony over Porch	Dooryard	Stoop	Shopfront	Arcade		Width	Depth
Mansion	S	S						75'	100'
Rowhouse	S	S	P, S	P, S				75'	100'
Apartment		S	P, S	P, S				50'	
Live-Work					P, S			50'	100'
Commercial/Mixed Use					P, S	P		50'	100'
Civic	See civic building standards								

P - Primary street frontage.

S - Secondary street frontage.

Figure 303-17 Building height.



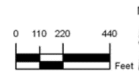
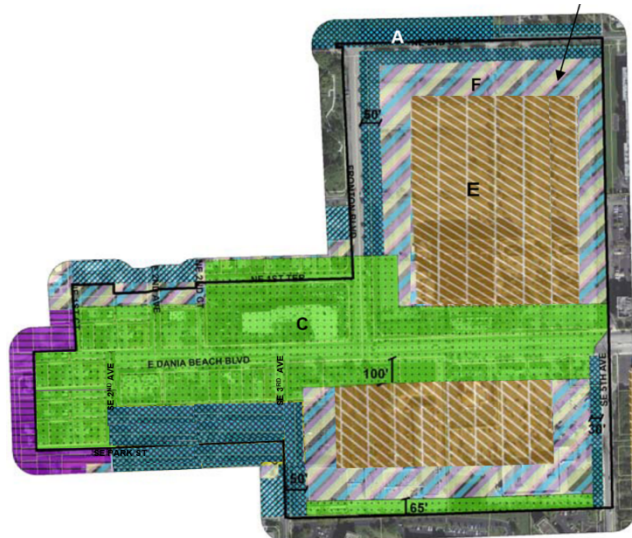
(ON) Height. Maximum height, "K", is ~~fourteen (14) stories and one hundred fifty (150) seven (7) stories~~feet; ~~max. height varies by location. See height map and article 304.~~ The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts, and a fixed height limit of four (4) stories within one hundred (100) feet from the EDBB. Allowable height increases at a rate of one (1) foot per one (1) foot of horizontal distance from an adjacent residential zoning district 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. The allowable height of buildings shown outside the district boundary on the height map is for informational purposes.

	Minimum upper story recess "J"	Height before required recess "L"
Street setback	20' on corner side at secondary streets	3 stories/ 35' (lesser of)

~~(O) Height zones map:~~

- ~~1. The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts, and a fixed height limit along EDBB. 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 formation purposes.~~

[*REVISED MAP*]



Legend

DISTRICT BOUNDARY

MAXIMUM HEIGHT

Height Zone A – 2 stories

Height Zone B – 4 stories

Height Zone C – 7 stories

Height Zone D – Varies per Sec. 304-20; ranges from 2 stories to 7 stories

Legend

DISTRICT BOUNDARY

MAXIMUM HEIGHT, BY RIGHT + INCENTIVE BONUS (SEE ARTICLE 305 FOR INCENTIVES)

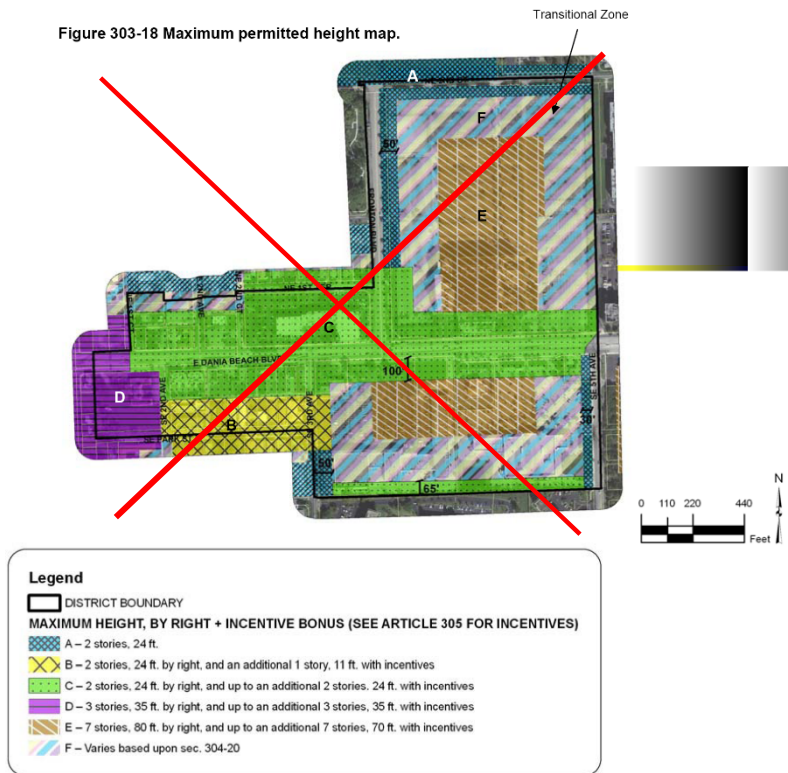
Height Zone A – 2 stories

Height Zone B – 4 stories

Height Zone C – 7 stories

Height Zone D – Varies per Sec. 304-20; ranges from 2 stories to 7 stories

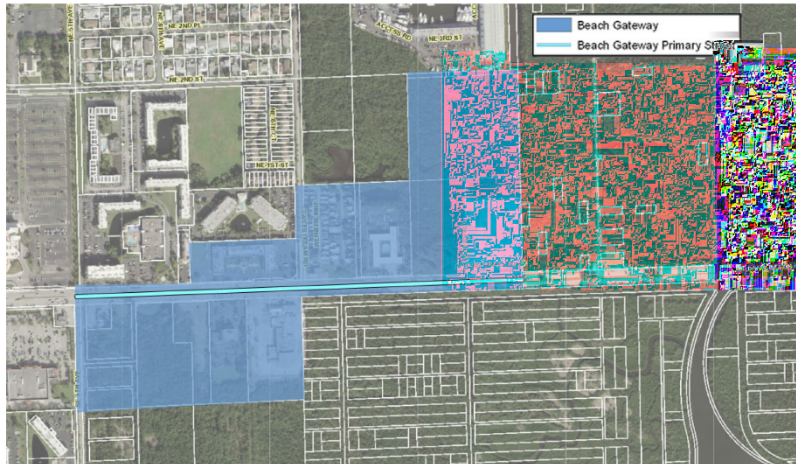
Figure 303-18 Maximum permitted height map.



Sec. 303-70. GTWY-MU, Beach Gateway Mixed-Use District.

- (A) *Intent and purpose.* To capitalize on the proximity of conservation areas, waterways and the beach, by preserving additional land, thus enhancing the area's assets, by differentiating this district from the more urban EDBB mixed-use district, and by allowing appropriate building height to allow for reduction in footprint and developed land area. This will be accomplished by allowing relatively tall buildings built relatively close to the street, while providing greater setback and landscaping between the building and street than in the East Dania Beach Boulevard mixed-use district.

Figure 303-19 GTWY-MU district map.



(B) Density: max. 50 du/ac ~~by right; up to 100 du/ac with density bonus.~~

(C) ~~F.A.R.: max. 8.0~~ Reserved.

(D) Generalized permitted uses (see article 302 for specific uses and conditions of use):

Uses	
Residential Single-Family	
Residential Multifamily	✓
Commercial (Mixed-Use Compatible)	✓
General Commercial	✓
Restricted Commercial	
Entertainment	✓
Lodging	✓
Civic and institutional	✓

✓ - Permitted use

(E) *Pervious landscaped lot area.* Twenty-five (25) percent. ~~May be reduced to twenty (20) percent reduction available with incentive bonuses (see article 305).~~

(F) *Sustainable building requirements.* See article 305.

(G) *Parking.* See article 306. Structured parking is not permitted in the first layer.

(H) *Landscaping.* See article 307.

(I) *Signage.* See article 308.

(J) *Additional development standards.* See article 309.

(K) *Architectural and design standards.* See article 525.

(L) *Building placement standards.*

Diagram Key	Building Placement Requirements (In Feet)		Street Type	
			Primary	Secondary
"C"	Street setback	Other structures	30' min.	10' min.
"G"	Interior side setback (minimum)		10' except 15' abutting residential	
"I"	Rear setback (minimum)		25'	

(M) *Building frontage standards.*

Diagram Key	Standard	All Streets
"D"	Depth of 1st layer	N/A
"E ₁ + .. + E _x "	% of lot width that façade must be built on BTL	N/A
"R"	Max. recess from BTL	N/A

Figure 303-20 Building placement.

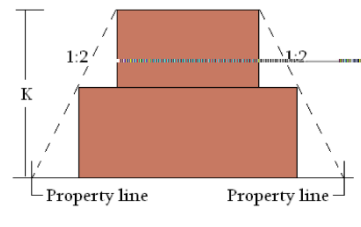


(NM) Allowable building and frontage types. Building form is not regulated through building or frontage types in this district.

(NN) Minimum lot width. One hundred (100) feet.

(OO) Minimum lot depth. One hundred (100) feet.

Figure 303-21 Permitted height profile.



(PP) Maximum building height. Two (2) feet for each one (1) foot of horizontal distance from street lines and property lines, not to exceed ~~fourteen-seven (714)~~ stories ~~and one hundred fifty (150)~~ feet. The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts and district streets. -Therefore, allowable height within one (1) portion of a property might be different than that permitted on another portion. Buildings must be designed accordingly. The allowable height of buildings just outside of the district boundary is shown on the height map for information purposes.

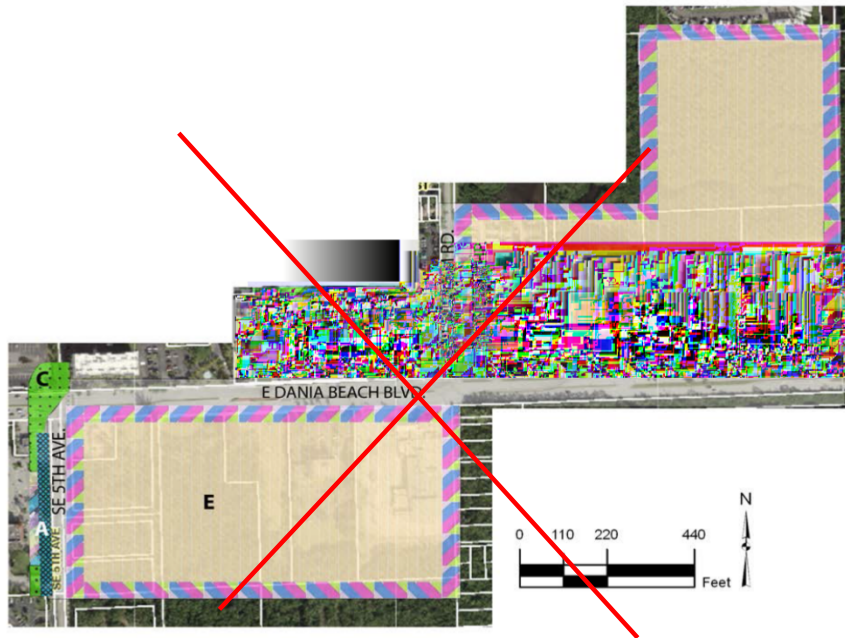
(Q) ~~Height zones map.~~

- ~~1. The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts and district streets. Allowable height increases at a rate of two (2) feet per one (1) foot 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 303-22 GTWY-MU district height map. ***Revised Map***

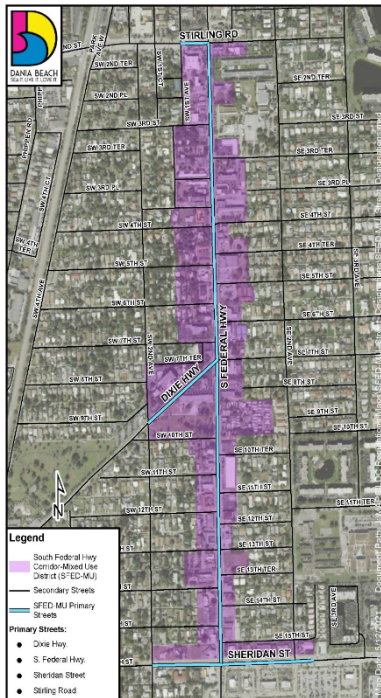


Commented [JK1]: Map revisions:
-Eliminate incentive heights
-Delete non-applicable height zones on legend



Sec. 303-80. SFED-MU, South Federal Highway Corridor Mixed-Use District.

Figure 303-23 SFED-MU District Map



- (A) *Intent and purpose.* Redevelop the corridor with emphasis on the pedestrian and street life consistent with TOD principals. This will be accomplished by building close to the street, relocating parking facilities behind buildings, and mixing residential and commercial uses at medium intensities, designed to create interest and investment in the immediate neighborhood.
- (B) *Density.* Max. twenty-five (25) du/ac ~~by right; up to fifty (50) du/ac with density bonus.~~
- (C) ~~F.A.R. Max. 4.0~~ Reserved.
- (D) *Pervious landscaped lot area.* Min. fifteen (15) percent; ~~may be reduced to zero (0) percent with incentive bonuses (see article 305).~~ Subsection 303-30(E)(4) provides for payment-in-lieu.
- (E) *Sustainable building requirements. See article 305.*
- (F) *Parking and loading.* See article 306. Parking is permitted only in the second layer. Parking structures shall be set back from any secondary street by a minimum of thirty (30) feet, which setback may be occupied by a liner building.
- (G) *Landscaping.* See article 307.

(HG) *Signage.* See article 308.

(IH) *Additional development standards.* See article 309.

(IJ) *Architectural and design standards.* See article 525.

(KJ) *Generalized permitted uses (see article 302 for specific uses and conditions of use).*

Uses	Primary Street	Secondary Street
Residential Single-Family		e
Residential Multifamily	✓	✓
Commercial (Mixed Use Compatible)	✓	*
General Commercial	✓	
Restricted Commercial	*	
Entertainment	✓	
Lodging	✓	
Civic and Institutional	✓	
Transportation	✓	
Industrial		

✓ - Permitted use.

* - Restrictions apply.

e - See Section 301-30.

(LK) *Building placement standards.*

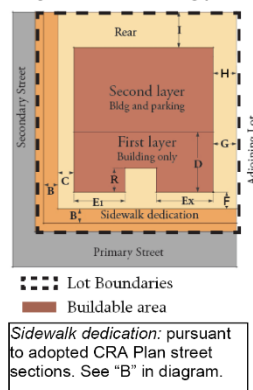
Diagram Key	NP = not permitted	Primary Street	Secondary Street
"F"	Street	Shopfront	0'—5'
		with arcade	NP
		Stoop	4'—8'
		Dooryard	8'—12'
		Porch	NP
		Balcony Over Porch	15' BTL
		Parking structure	30' min
"C"	Corner street setback	0—15'	
"G"	Interior side setback, 1st layer	0' min.	0' min.

"H"	Interior side setback, 2nd layer	0' min.	0' min.
"I"	Rear setback	0' min.	0' min.

(ML) Building frontage standards.

Key	Standard	All Streets
"D"	Min. depth of building in 1st layer	30'
"E ₁ + .. + E _x "	Min. % of lot width that façade must be on BTL	50%
"R"	Max. recess from BTL	15'

Figure 303-24 Building placement.



(NM) Allowable building and frontage types (see articles 310 and 311 for details) and minimum lot dimensions.

Building Types	Frontage Types						Lot Dimension	
	Porch	Balcony	Dooryard	Stoop	Shopfro	Arcade	W	D
Mansion	A, S	A, S					75'	100'
Rowhouse	A, S	A, P, S	A, P, S	P, S			75'	100'

Apartment		S	P, S	P, S			50'	100'
Live-Work					P, S		50'	100'
Commercial/Mixed Use					P, S	P, S	50'	100'
Civic	See civic building standards							

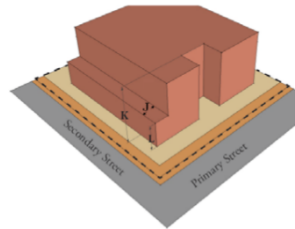
P - Primary street frontage.

S - Secondary street frontage.

A - For through-lot frontages on SW 7th and 10th streets, and SW 1st and 2nd avenues, a landscape buffer pursuant to section 275-110 is required unless the street frontage is built-out with mansion or rowhouse building types. Mansions are subject to the development standards of the NBHD-RES district.

~~(PN) Upper story setbacks. Ten (10) percent of lot width up to a maximum of thirty (30) feet required on corner sides (see "J" in diagram). Reserved. for any part of building exceeding three (3) stories (see "L" in diagram).~~

Figure 303-25 Upper story setback.



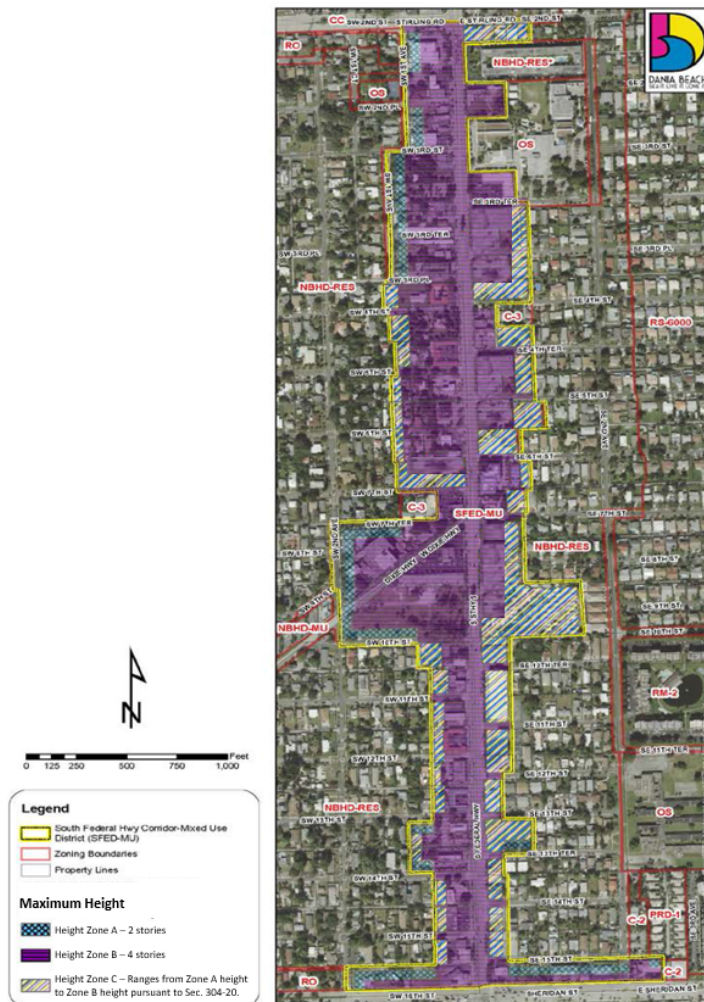
~~(QQ) Height. Maximum height, "K", in district is six (6) four (4) stories and seventy (70) feet; permitted height varies by location. See height map.~~

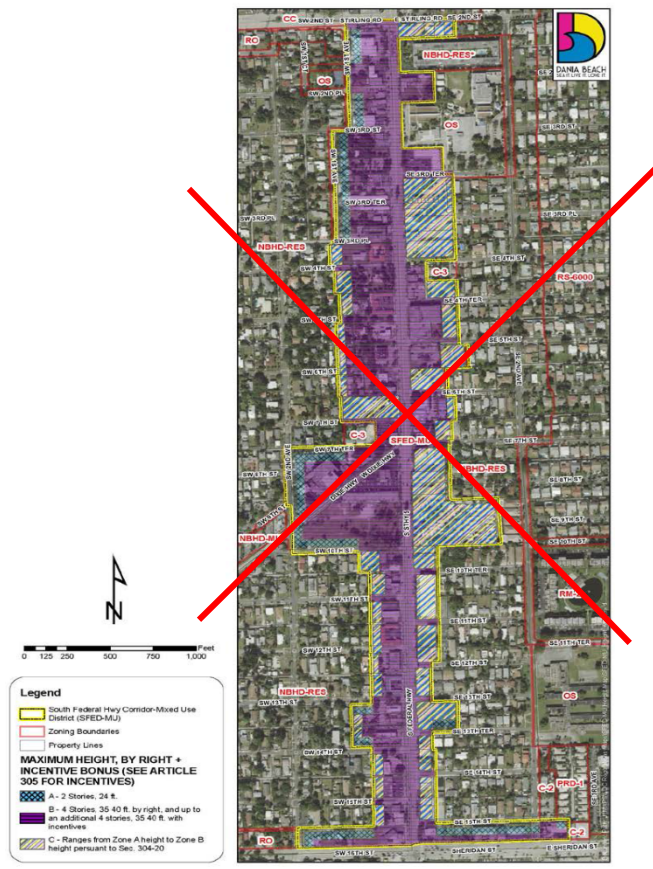
~~(P) Height zones map.~~

1. The maximum allowable height in this district is based upon proximity to adjacent residential zoning districts, ~~and a fixed height limit along S. Federal Highway.~~ Allowable height increases at a rate of one (1) foot per one ~~and two-thirds (1.66) feet~~ foot of horizontal distance from an adjacent residential zoning ~~district~~ 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 on the height map for information purposes.~~

(RQ) Development of property for commercial use must ~~be-fronting-on~~ Federal Highway or Sheridan Street, or must be assembled with properties that ~~are-fronting-on~~ Federal Highway or Sheridan Street.

Figure 303-26 SFED-MU district height map. [*Revised*]





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

- (A) *Intent and purpose.* To maintain the overall single-family character of the neighborhoods by restricting establishment of new two-family dwellings and requiring designs that are compatible with single-family dwellings.

(B) Generalized permitted uses (see article 302 for specific uses and conditions of use).

Uses	
Residential Single-Family	✓
Residential Multifamily	*
Residential Two-Family	*

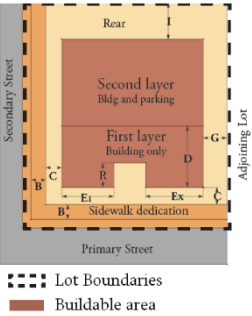
✓ - Permitted use.

* - Restricted pursuant to section 302-20.

(C) Building placement standards.

Diagram Key		
"C"	Street Setback*	15' BTL.
		25' min.
"G"	Interior side setback	Principal building 7' min.
		Accessory structures 5' min.
"I"	Rear setback	Principal building 15' min.
		Accessory structures 5' min.

Figure 303-27 Building placement.

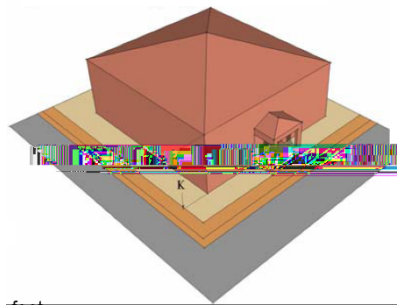


(D) *Building frontage standards.*

Key	Standard	
"D"	Minimum depth of building in first layer	N/A
"E ₁ + .. + E _x "	Percentage of lot width for which a building must be built at the built-to-line	50%
"R"	Maximum recess from BTL	N/A

(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.



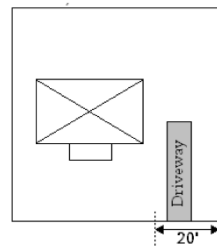
(F) *Allowable building and frontage types (see articles 310 and 311 for details) and required lot dimensions.*

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'
Apartment *	✓	✓	✓	✓	160'	100'

✓ Permitted frontage type

* Restricted pursuant to section 302-20

Figure 303-29 Permitted driveway location.



(G) *Pervious open space.* Min. thirty-seven (37) percent.

(H) *Parking.*

(1) Parking spaces and driveways for dwellings built to the fifteen (15)-foot BTL requirement in subsection (C) must be built to the requirements below:

- a. Parking spaces and driveways are not permitted in the front yard except within twenty (20) feet of one (1) interior side lot line (see Figure 303.70).
- b. Only one (1) driveway within the front yard is permitted as shown.
- c. An opaque fence or opaque landscape buffer is required along a side lot line adjacent to a driveway.
- d. If the property does not have alley access, a garage may be provided with access from the primary or secondary street.

(2) Parking spaces and driveways for dwelling units with twenty (20)-foot setback or greater may be built as identified below:

- a. Parking spaces and driveway may be located in the front yard if the minimum required dimensions are provided.
- b. A garage may be located at the front of the residential structure provided building setbacks are met.
- c. A circular driveway may be installed in the front yard provided a minimum of three-foot setback is provided between the edge of driveway and interior side property line on each side. Each curb opening must be a minimum of ten (10) feet. The minimum radius measured from the property line is five (5) feet.

(I) *Sustainable building requirement. See article 305.*~~*[Parking requirements.] For parking requirements see article 306.*~~

(J) *Landscaping.* See article 307.

(K) *Signage.* See article 308.

(L) *Additional development standards.* See article 309.

(M) *Architectural and design standards.* See article 530.

Sec. 303-100. Marine district.

- (A) *Intent and purpose.* The purpose of the Marine district is to further the goals of the CRA Redevelopment Plan, and to encourage expansion of the marine industry by permitting marine uses which are primarily conducted within a building and which have limited impact outside the building. Some marine uses are permitted to be located outside of a completely enclosed building, subject to conditions or special exception approval. This district is also intended to permit some marine-related commercial uses, as either a permitted use or a special exception use.
- (B) *Permitted uses (see article 110 for specific uses and conditions of use).*

- (C) *Building placement standards.*

STANDARD	
Street setback *	30' min.
Yard abutting residential *	50' min.
Interior side setback **	20' min.
Rear setback **	15' min.

* The first ten (10) feet adjacent to any street or public thoroughfare line shall be landscaped and shall not contain parking

** The first five (5) feet adjacent to any lot line shall be landscaped and shall not contain parking.

- (D) *Height:* maximum of three (3) stories ~~and twenty-five~~.

- (E) *Percentage of lot coverage:* no more than seventy (70) percent of total lot area shall be covered by buildings or structures.

- (F) *Sustainable building requirements.* See article 305.

- (G) *Parking and loading.* See article 306.

- (H) *Landscaping.* See article 307.

- (I) *Signage.* See article 308.

- (J) *Additional development standards.* See article 309.

- (K) *Architectural and design standards.* See article 525.

ARTICLE 304. BUILDING HEIGHT AND TRANSITION REGULATIONS

Sec. 304-10. Generally.

- (A) *[Maximum building height.]* Maximum building height is determined by the maximum height map and textual standards for each district. ~~Additionally, in the City Center District, there are minimum lot size and lot dimensions required in order to achieve the maximum permitted height.~~ The height map for each district shows the maximum building height and number of stories ~~both with, and without, the awarding of height incentive bonuses. Therefore, the maximum height shown on the maps is possible only when the developer earns an adequate level of incentive bonuses pursuant to article 305 to allow a project achieve the maximum height shown on the map.~~
- (~~AB~~) *[Allowable heights.]* The allowable heights ~~shown on the height map for~~ in each district is determined by:
- (1) Maximum permitted district height;
 - (2) Maximum permitted height along a given street or street segment, as applicable;
 - ~~(3) Maximum permitted height adjacent to the FEC Railroad corridor;~~
 - ~~(3A)~~ Transitional height standards adjacent to ~~neighborhood~~ residential zoning districts.
- (C) *Transitional height zones.* The maps showing maximum permitted height throughout each zoning district include transitional height zones in those portions of mixed-use districts where the allowable height varies with distance from single-family residential neighborhoods ~~and the Florida East Coast Railroad (FEC) right-of-way.~~ Transitional height zones are established to transition building height adjacent to neighborhood residential district boundaries ~~and the FEC railroad right-of-way.~~ Height within a transitional height zone is based upon a formula of allowable height per distance from the adjacent neighborhood ~~or FEC right-of-way feature.~~ The transitional height zone is also applied to each development site within the GTWY-MU District because allowable building height varies based upon the distance of a building, or portion of a building, from property lines.
- (~~CD~~) *[Exceptions.]* The following structures may exceed the ~~maximum height of a limit for~~ buildings or ~~and~~ structures by the lesser of twenty-five (25) percent or fifteen (15) feet:
- (1) Rooftop structures for the housing of solar panels, elevators, stairways, tanks, skylights, ventilating fans, air conditioning or similar equipment required to operate and maintain the building
 - (2) Radio, television and telecommunication antennae, whether freestanding or roof-mounted.
- (E) *[Additional exceptions.]* The following structures may exceed the ~~maximum height limit for~~ of a buildings ~~and or~~ structures by not more than twenty-five (25) percent:
- (1) Cupolas, steeples, chimneys and other decorative rooftop projections, provided that the aggregate coverage of all such structures does not exceed twenty-five (25) percent of the total roof area.
- (F) *[Exception for ham radio antennas.]* Ham radio antennas may exceed the ~~maximum height limit for of~~ buildings and or structures by forty (40) percent, not to exceed one hundred fifty (150) feet.

Sec. 304-20. Rules of height transition from ~~neighborhood~~ residential zoning districts.

- (A) When a lot line or alley forms a boundary between a ~~neighborhood~~ residential zoning district and a mixed-use zoning district, the minimum setback from said lot line or alley line shall be as follows for the lot in the nonresidential or mixed-use district:
- (1) Fifteen (15) feet measured from an interior side lot line of a lot within a ~~neighborhood~~ residential zoning district, as illustrated in Figure 304-1.
 - (2) Twenty-five (25) feet measured from a rear lot line of a lot within a ~~neighborhood~~ residential zoning district, as illustrated in Figure 304-2.
- (B) The maximum allowable building height on the lot within the mixed-use district shall be the lesser of two (2) stories or twenty-five (25) feet at the minimum setback line, and shall increase at a constant rate of one (1) foot for each one (1) ~~and two-thirds (1.66) feet-foot~~ of distance from the minimum setback line, as illustrated in Figure 304-2.

Figure 304-1

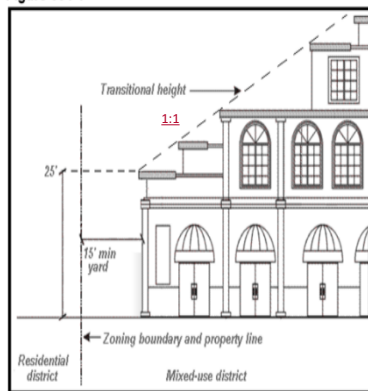


Figure 304-2

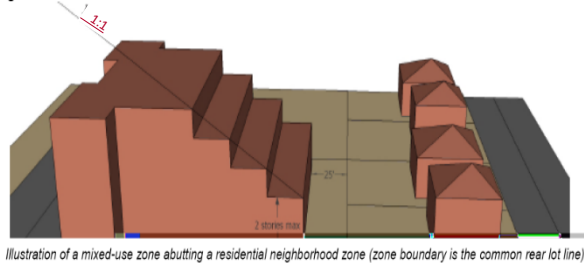


Figure 304-3

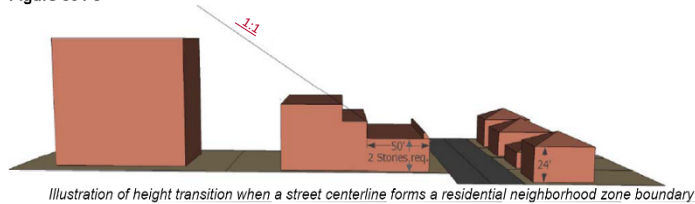


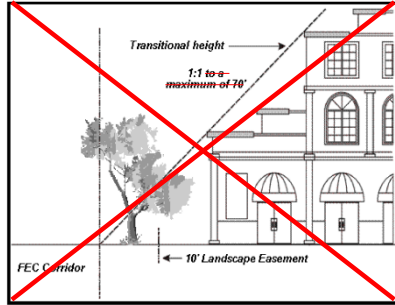
Illustration of height transition when a street centerline forms a residential neighborhood zone boundary

- (C) Where a street centerline forms the boundary between a ~~neighborhood~~-residential zoning district and a mixed-use zoning district, the following standards shall apply to any lot within the mixed-use zoning district that abuts the boundary street, as illustrated in Figure 304-3.
- (1) The build-to-line along the boundary street shall be fifteen (15) feet.
 - (2) One (1) of the following building types must be constructed: mansion apartment building or rowhouse building.
 - (3) The height of the building shall be exactly two (2) stories not to exceed twenty-five (25) ~~in height~~ feet for the first fifty (50) feet measured from the BTL. Mansion apartment or rowhouse buildings may be used as liner buildings or as freestanding buildings on the lots abutting the boundary street.
 - (4) At fifty (50) feet measured perpendicular to the BTL, three (3) stories or thirty-five (35) feet of building height is permitted, and permitted height shall increase by one (1) foot for each additional one (1) and two-thirds (1.66) feet foot of horizontal distance measured perpendicular from the BTL.

~~Sec. 304-30. Rules of height transition adjacent to FEC Railroad corridor.~~

- ~~(A) For lots with a rear or side yard abutting, or separated only by an alley from, the FEC right-of-way, a maximum building height of three (3) stories and thirty-five (35) feet is permitted at the minimum setback line, and may increase by one (1) foot for each one (1) foot of horizontal distance away from the rear setback line, up to a maximum of six (6) stories and seventy (70) feet. See Figure 304-4 for illustration.~~
- ~~(B) For lots fronting on streets that abut the FEC right-of-way, a maximum building height of three (3) stories and thirty-five (35) feet is permitted at the street-side BTL, and may increase by one (1) foot for each one (1) foot of horizontal distance from the street-side BTL, up to a maximum of six (6) stories and seventy (70) feet.~~

Figure 304-4



ARTICLE 305. INCENTIVES SUSTAINABLE BUILDING REQUIREMENTS.

Sec. 305-10. Applicability.

Sec. 305-20. Schedule of incentives.

The table below shows the amenities that qualify for height, density and impervious area incentives within the different districts. The amount of the bonuses are delineated below the table. The developer can determine the type and extent of amenities to provide in order to reach the maximum permissible height shown on the height maps.

Y = Incentive credit available N = Incentive credit not available	Districts					
List of amenities that qualify for development incentives	CC	EDBB-MU	SFED-MU	NBHD-MU	GTWY-MU	NBHD-RES
Provide public open space or paseo [see section 305-30]	Y	N	N	Y	N	N
Provide attainable housing [see section 305-40]	Y	Y	Y	N	N	N
Use sustainable building practices [section 305-50]	Y	Y	Y	Y	Y	N
Provide public parking [section 305-60]	Y	Y	Y	Y	Y	N
Provide public parks [section 305-70]	Y	N	N	N	Y	N

(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.~~

Sec. 305-30. Incentives for providing public open space.

~~(A) In the Neighborhood Mixed-Use District, one (1) story and ten (10) du/ac for a minimum two thousand five hundred (2,500) sf open space that complies with article 312, or a pedestrian paseo that complies with section 309-20. The open space or paseo shall satisfy one hundred (100) percent of the pervious open space requirement for the lot that provides it.~~

~~(B) In the City Center District, two (2) stories and twenty (20) du/ac for a minimum two thousand five hundred (2,500) sf open space that complies with article 312, or pedestrian paseo that complies with section 309-20, and one (1) story and ten (10) du/ac for each full additional one thousand five hundred (1,500) sf of open space that complies with article 312. The open space or paseo shall satisfy one hundred (100) percent of the pervious open space requirement for the lot that provides it.~~

~~(C) Adjoining lots can each contribute a portion of a single open space and earn the bonus. The bonus shall be allocated among the lots proportionate to the open space contribution as agreed between the property owners in a binding development agreement or other instrument acceptable to the city attorney.~~

~~(D) This intensity bonus is available at the determination of the city commission or designee based upon whether the any given location is appropriate and desirable for open space.~~

~~(E) The standards for provision of public open space for incentive credit shall be as provided in article 312.~~

Sec. 305-40. Incentives for providing attainable housing.

(A) *Definition.* Attainable housing shall mean "workforce," "moderate workforce" and "low-income" as defined by the Administrative Rules Document of the Broward County Land Use Plan, article 8, and includes both owner-occupied and rental housing.

(B) *[Workforce-income unit bonus.]* Bonus of one (1) market-rate dwelling unit for each unit in the building that is workforce-income, up to the maximum density allowed in the district. One (1) additional story shall be permitted for every ten (10) du/ac of bonus market-rate units that are awarded, or fraction thereof.

Example: a one-acre lot within the SFED-MU District is permitted to build twenty-five (25) du (25/ac) by right and up to fifty (50) du/ac through the attainable housing bonus. Of the twenty-five (25) permitted units, all will be workforce-income units, which allows a bonus of twenty-five (25) market-rate units. The developer may now construct fifty (50) du (25 + 25), which does not exceed the maximum fifty (50) du/ac density allowed with bonuses. The twenty-five (25) bonus units equal a bonus density of twenty-five (25) du/ac, which divided by ten (10) du/ac per story equals two and one-half (2.5), rounded to three (3) bonus stories.

(C) *[Moderate workforce-income unit bonus.]* Bonus of three (3) market-rate dwelling units for each moderate workforce-income unit up to the maximum density allowed in the district. One (1) additional story shall be permitted for every ten (10) du/ac of bonus market-rate units that are awarded, or fraction thereof.

Example: a one-acre lot within the SFED-MU District is permitted to build twenty-five (25) du (25/ac) by right and up to fifty (50) du/ac through the attainable housing bonus. Of the twenty-five (25) permitted units, the developer incorporates eight (8) moderate-income units, which allows a bonus of twenty-four (24) market-rate units. The developer may now construct forty-nine (49) du (25 + 24), which does not exceed the maximum fifty (50) du/ac density allowed with bonuses. The twenty-four (24) bonus units equal a bonus density of twenty-four (24) du/ac, which divided by ten (10) du/ac per story equals two and four-tenths (2.4), rounded to three (3) bonus stories.

(D) *[Low-income unit bonus.]* Bonus of five (5) market-rate dwelling units for each low-income unit up to the maximum density allowed in the district, provided that no additional bonus units are available for providing low-income units in excess of fifteen (15) percent of the number of dwelling units in the building. One (1) additional story shall be permitted for every ten (10) du/ac of bonus market-rate units that are awarded, or fraction thereof.

Example: a one-acre lot within the SFED-MU District is permitted to build twenty-five (25) du (25/ac) by right and up to fifty (50) du/ac through the attainable housing bonus. Of the twenty-five (25) permitted units, the developer incorporates five (5) low-income units, which allows a bonus of twenty-five (25) market-rate units. The developer may now construct fifty (50) du (25 + 25), which does not exceed the maximum fifty (50) du/ac density allowed with bonuses. The five (5) low-income units also does not exceed 15 percent of the number of units in the building (five (5) units is ten (10) percent of fifty (50) units). The twenty-five (25) bonus units equal a bonus density of twenty-five (25) du/ac, which divided by ten (10) du/ac per story equals two and one-half (2.5), rounded to three (3) bonus stories.

~~(E) [Combined bonuses.] Bonuses may be combined for providing different degrees of attainable housing within one development site.~~

~~(F) [Eligibility requirements.] In order to be eligible for density and height bonuses under this section, the developer shall first guarantee the attainability of the unit for the specified income level as either rental or owner-occupied housing for a period of at least thirty (30) years via a restrictive covenant in a form acceptable to the city attorney may require. The city commission may establish a one-time fee applicable to each development that receives bonus units to offset the cost of administering the attainable housing program.~~

Sec. 305-10. Applicability.

All City buildings greater than 50,000 square feet in enclosed floor area shall comply with the requirements of this article.

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

~~(A) Overview. The CRA green building/development program is a voluntary program that developers may choose to participate in, for which incentives outlined in this section shall be awarded. Development incentive credit for sustainable ("green") building practices be awarded based upon qualifying site design, construction and possibly, as applicable, operational practices.~~

Sec. 305-20. Green building; green building practices.

~~(B) Green building; green building practices. Green building practices refers to building and building site design, materials and construction techniques that minimize demand for nonrenewable material and energy resources, water consumption, and minimize the generation of waste products, pollution, and stormwater runoff. Green building practices are generally consistent with the techniques used to achieve certification of construction and development through third-party the green building and development certification programs including of the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED), and the Florida Green Building Coalition, and Florida Green Lodging.~~

~~(C) Rating organizations. This program awards credits based on selected third-party green building/development certification programs, including, but not limited to, the Florida Green Building Coalition, Florida Green Lodging, and U.S. Green Building Council Leadership in Energy and Environmental Design (LEED).~~

Sec. 305-30. Third party certification required.

(A) The City shall formally apply for third-party certification with the selected third-party green building/ development rating organization, which includes meeting all the submittal, application and fee requirements for the selected third-party certification.

(B) Projects subject to this article must achieve at least a gold-level certification.

~~(D) Approval of established third-party standards. Applicants seeking to participate in the voluntary green building/development program are required to schedule a preliminary~~

~~development application meeting with the community development director. At the preliminary development application meeting, the applicant shall identify the third-party green building/development standards proposed to be incorporated in the project design and implementation, and provide a copy of the standards to city staff the community development director for review. If the standards of a third-party certification program other than those listed in [subsection] (B) are proposed, the city staff [and] the community development director will review the standards of the rating organization certification program intended to be used by the applicant and notify the applicant if the proposed program and standards are accepted or rejected for the voluntary green building/development program.~~

~~(E) *Review process and certification options.* Applicants seeking to participate in the voluntary green building/development program must choose to either:~~

- ~~(1) Formally apply for third-party certification with a selected third-party green building/development rating organization approved by the community development director, which includes meeting all the submittal, application and fee requirements for the selected third party certification; or~~
- ~~(2) As an alternative to formal application for third-party organization certification the applicant may participate in the city's cost recovery green building/development review process. The community development director shall review and verify the third-party green building/development standards proposed to be incorporated in the project design and implementation. The applicant shall document compliance with all of the third-party certification criteria to the satisfaction of the community development director.~~

~~(F) *Minimum submittal requirements for applying for voluntary green building or development program/receipt of incentives.* Site development plan submittal requirements to participate in the voluntary green building/development program shall include the following:~~

- ~~(1) Documentation that the applicant has participated in the preliminary development application meeting and has received approval from the community development director to utilize the third-party green building/development standards used in the site development plan submittal.~~
- ~~(2) Written statement identifying the review option selected by the applicant (demonstration of formal third-party certification of the project, or community development director verification of project compliance with third-party green building/development standards through cost recovery based review).~~
- ~~(3) A completed residential green development/building checklist, with a narrative explanation of how the green building measure is being incorporated.~~
- ~~(4) The city shall require that the proposal exceed the number of points necessary for incentive credit under this section by a margin to be established administratively for each third-party certification program. The intent is to ensure certification as best possible in the event that a given green measure fails to qualify after construction is completed.~~
- ~~(5) A notarized affidavit from the project architect demonstrating that the approved green building measures have been incorporated into the project plans.~~
- ~~(6) Project site and engineering plans that clearly detail all green building measures which are intended to qualify for incentives.~~

~~(7) A notarized affidavit certifying that a green building expert professional certified or accredited by a third-party green building and development rating organization deemed acceptable by the community development director is a part of the development team and shall remain part of the project team throughout its duration (i.e., from the design stage through final building inspection/issuance of certificate of occupancy).~~

~~(G) Incentives.~~

~~(1) Developments that meet all of the criteria for certification under a third-party program, in accordance with [subsection] (D) above, plus the additional point margin to be established administratively by the city, shall be awarded four (4) stories and twenty-eight (28) du/ac as a bonus, subject to the maximum height and density limitations of the applicable district, as well as a five (5) percent impervious area bonus.~~

~~(2) Developments that qualify for at least one-half (½) of the total number of points required for third-party certification pursuant to subsection (E)(2), plus the additional point margin to be established administratively by the city, shall be awarded two (2) stories and fourteen (14) du/ac as a bonus, subject to the maximum height and density limitations of the applicable district.~~

~~(H) Performance bond. Participants in the voluntary green building program, 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) 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) Two (2) percent of the total cost of construction for any building greater than two hundred thousand (200,000) square feet.~~

~~(2) The amount of the required performance bond for projects seeking an incentive bonus for earning at least one-half of the points needed for third-party certification shall be one-half (½) of the bond amount required in paragraph (1).~~

~~(3) In the event the completed development does not achieve the third-party certification or the number of points for which the incentive bonus was based, a portion of the surety shall be forfeited in an amount equal to the percentage of the required third-party point total not earned. However, if the development does not qualify for at least ninety (90) percent of the number of points required to earn the bonus, the entire bond amount shall be forfeited.~~

~~(4) The city may call on the performance bond if:~~

~~(a) The third-party certification is not achieved within one (1) year of the city issuance of the certificate of occupancy for the building; or~~

- ~~—(b)—~~ In the case of city verification of credits in accordance with paragraph (G)(2), if the community development director determines that the development does not qualify for the credits upon which the incentive bonus is based within one (1) year of the city issuance of the certificate of occupancy for the building. Funds that become available to the city from the forfeiture of all or part of the surety shall be placed in the sustainable development fund established by the city, which shall be used to fund sustainable and energy efficient city initiated capital projects including, but not limited to, water efficient landscaping, open space acquisition and improvements, traffic calming, public transportation related improvements, pollution mitigation, sustainability improvements to public facilities, or similar improvements as deemed appropriate by the city commission.

Sec. 305-60. Provide public parking.

~~Bonus of one (1) story, five (5) du/ac, and two and one half (2.5) percent impervious area for each ten (10) public parking spaces provided to the city for public parking use through city approval of dedication of the spaces for public use, or for payment in lieu of off-street parking in accordance with section 265-92 through provision of a shared parking agreement in a form approved by the city attorney, which shall restrict the spaces for public use, and shall run with the subject property in perpetuity. The intensity bonus shall not exceed the maximum height, density and minimum impervious area limitations of the applicable district.~~

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.~~

ARTICLE 310. BUILDING TYPES

Sec. 310-10. Residential building types.

- (A) *Single-family detached dwelling.* A detached dwelling unit located upon its own lot, having usable front, side and rear yards. This building type has the greatest setback from the street of all residential types, and the greatest overall combined yard area. This type is appropriate in established neighborhoods predominated by single-family detached dwellings and two-family dwellings. A porch frontage or balcony over porch frontage is required.
- (B) *Two-family (duplex) dwelling.* A dwelling containing two (2) dwelling units that may be attached vertically or horizontally. A porch frontage or balcony over porch frontage is required. See section 525-40 for design standards applicable to two-family dwellings.
- (C) *Mansion apartment house.* Three (3) or more apartments within a dwelling designed to appear like a large single-family detached dwelling with usable front, side and rear yards. The apartment units may be arranged vertically, horizontally, or both. Parking is permitted in the rear yard and one side yard. Side yards must be fenced. See section 525-40 for design standards applicable to mansion apartment houses.
- (D) *Rowhouse dwelling.* A dwelling containing three (3) or more dwelling units built close to the street line, and attached side-to-side with each unit spanning the front yard to rear yard. All units must front a public street. Ground-floor units must access the street frontage through a porch, dooryard or stoop frontage. When designed with party walls and one (1) unit from ground to roof, townhouse units may be owned in fee simple with the land upon which situated. Stacked townhouses or stacked flats take on the same form as townhouse buildings, except that upper-floor units are accessed from internal foyers connecting to stairwells. Maximum height is five (5) stories. Parking is in the rear. Side yards must be fenced or garden/street wall used unless the yard is used for driveway access to the rear yard.
- (E) *Apartment building.* A dwelling located at, or close to, the street line, containing four (4) or more apartment units. This type is also used for hotels without commercial uses. Numerous configurations are possible, using double loaded corridors or lobbies on each floor, off of which units are accessed, or courtyard frontages where units are accessed directly from the courtyard. Apartment buildings must have a minimum two (2) stories and can take the form of high-rise towers. Dooryard, stoop, or balcony over porch frontages must be used. Apartment buildings under five (5) stories in height must provide individual access to each ground-floor unit fronting the street. Apartment buildings five (5) stories and higher may

provide a central lobby entrance instead, using a permitted frontage type. The upper stories of an apartment building may be the same as those for a commercial/mixed-use building. Parking shall be in the rear, and may include structured parking. Interior side yards must be fenced or street wall used pursuant to section 307-30 unless the yard is used for driveway access to the rear yard.

Sec. 310-20. Nonresidential and mixed-use building types.

- (A) *Commercial/mixed-use building.* A building located at or close to the street line, with ground floor devoted to commercial use, and upper floors devoted to commercial, lodging, or residential use, provided that commercial use floors shall not be located above residential use floors. Interior side yards must be fenced or a garden/street wall used unless the yard is used for driveway access to the rear yard. The shopfront or modified shopfront are the permitted frontage types, provided that modified shopfronts are not permitted within the City Center core.
- (B) *Live/work building.* A building containing the primary places of work for occupants of attached dwelling units. Live/work buildings are located at or close to the street line, characterized by ground floor work units each connected to a dwelling unit located behind the work unit on the ground floor, above the work unit on an upper floor, or both. Work spaces may extend to upper floors. Additional work units and residential units may be located on upper floors, provided that work units and dwelling units are each stacked, such that no residential unit shares a floor or ceiling with a work space other than the one to which it is connected. Permitted frontage types are shopfront and modified shopfront. Interior side yard requires a garden/street wall unless the yard is used for driveway access to the rear yard.
- (C) *Civic building.* A building containing public governmental or civic uses such as governmental centers, schools, museums, convention centers, performing arts centers, or places of worship. Civic buildings represent physical symbols of the city's social, cultural, educational, and governmental activities. The physical composition of civic buildings should result in distinction from common buildings used for dwelling and business. The building should be situated prominently on its site, many times set back from the street with public open space. Therefore, new civic buildings and alterations to existing civic buildings require city commission approval of the building design, orientation and placement upon the lot. Accordingly, the city commission may waive the following requirements of the CRA form-based zoning regulations to the extent that the proposed site plan furthers the intent of this subsection:
 - (1) District site development standards;
 - (2) Architectural design standards;
 - (3) Frontage type standards.



Figure 310- 1. This building is viewed across a public plaza, complimenting its prominent architecture and announcing that it is a place of civic importance.



Figure 310- 2. This illustrates the strategic and prominent positioning of a civic building at the end of a view corridor, centered on its site, the use of symetry and open space to frame the building.



Figure 310-3 This building is viewed across a public plaza, complimenting its prominent architecture and announcing that is a place of civic importance.

ARTICLE 311. FRONTAGE TYPES

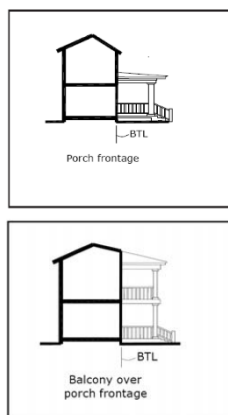
Sec. 311-10. Generally.

- (A) The front of every building must face a street. The rear of a building, loading zones, overhead doors and service entries are prohibited on street-facing façades.
- (B) Buildings shall provide a permitted frontage type along the street frontage. All principal buildings shall have a principal entrance opening to a public sidewalk along a street, public plaza, or private courtyard that opens to the street, consistent with a permitted frontage type.

The principal entrance shall not open onto a parking lot. Furthermore, all buildings must provide entrances to individual ground-story shopfronts or dwelling units along the public sidewalk, plaza or courtyard unless otherwise provided in the building type regulations.

- (C) Corner lots that have frontage on two (2) streets are required to have entrances only on the principal street frontage. Streets designated as primary streets in the district regulations shall always be the principal street frontage. Corner lots at the intersection of two (2) primary streets shall either treat both streets as primary frontages or shall treat the street with the longest frontage along the block face as the primary frontage.
- (D) Building façades shall be built parallel to the street line, or parallel to the tangent of a curved principal frontage line. This provision is not intended to limit or preclude alcoves or variations in the plane of the street-front façade, nor the provision of plazas.
- (E) Secondary corner streets within all districts other than the neighborhood residential district shall be treated as follows:
 - (1) The building shall be built to the BTL of both streets within thirty (30) feet of the corner unless the corner is a dedicated public plaza.
 - (2) Fenestration and architectural detailing shall be provided to the greatest extent possible along the secondary street pursuant to the applicable frontage type and design standards. Any portion of the secondary street frontage not built to the BTL shall provide a minimum five-foot-wide planting strip placed at the back edge of the sidewalk, and a street wall shall be built at the back edge of the planting strip pursuant to the design standards of this article.
- (F) All stories above the ground story shall provide between thirty (30) and sixty (60) percent fenestration.

Sec. 311-20. Frontage type definitions and standards.

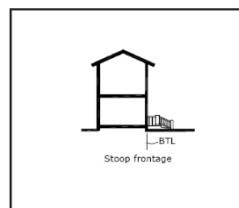
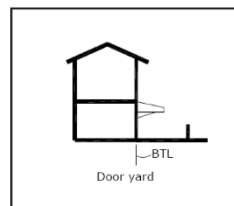


- (A) *Porch frontage.* A covered entry and outdoor room, elevated between eighteen (18) inches and three (3) feet above the sidewalk, used in conjunction with front yards, that may extend forward of the building façade as a yard encroachment. A low fence no more than three (3)

feet above the sidewalk may be used at the edge of the sidewalk in combination with a porch when the porch is set back from the sidewalk. Alternatively, a retaining wall not higher than three (3) feet may be used to raise the front lawn with steps leading through the retaining wall connecting the sidewalk with porch, provided that adequate on-site stormwater retention is provided. A variety of porch designs are possible using the following standards:

- (1) Eight (8) feet minimum depth;
- (2) Twelve (12) feet minimum width;
- (3) Eight (8) feet minimum vertical clearance from floor to ceiling for retrofits, but ten (10) feet is ideal.

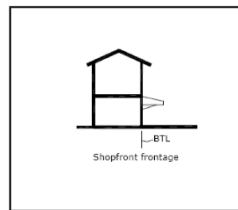
- (B) *Balcony over porch frontage.* A frontage where the second-floor balcony or terrace extends completely above the first-floor porch and forms its roof. This pattern may be repeated up to and including a fourth floor.



- (C) *Dooryard frontage.* A shallow yard, generally eight (8) to twelve (12) feet in depth, open to the sky, separates the sidewalk and building façade. Accordingly, the minimum street setback is eight (8) feet and the maximum street setback is twelve (12) feet, except that a greater BTL may be required in district edge conditions. The yard may be at grade and separated from the sidewalk by a low decorative translucent fence of four (4) feet maximum height, or a terrace elevated not more than three (3) feet above the sidewalk that may also utilize a low decorative translucent fence. Residential dooryards can be open for the use of the dwelling occupants, but should be landscaped for greatest privacy. A terrace is suitable for an outdoor café as the eyes of diners are at the same level as passersby on the sidewalk. Upper-story balconies may extend up to four (4) feet forward of the BTL.
- (D) *Stoop frontage.* An exterior stair and landing at a building entrance that extends forward of the BTL as an encroachment, located close to the street line and elevated between one (1) and eighteen (18) inches and three (3) feet above the sidewalk, securing privacy for the windows and front rooms, and demarcating a vertical transition from public to private realms. This type is suitable for ground-floor residential use, and may be interspersed with the shopfront

frontage type. The street setback for a stoop frontage shall be the depth of the stoop, which shall be not less than four (4) feet and not more than eight (8) feet, unless the standards for a given district require a BTL that is further back from the street line, in which case the stoop shall not encroach further than six (6) feet forward of the BTL. Upper-story balconies may extend up to four (4) feet forward of the BTL. A variety of stoop designs are possible with the following standards:

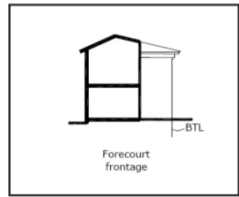
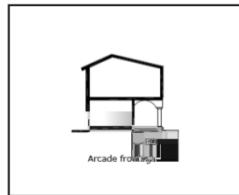
- (1) Three (3) feet minimum platform depth, four (4) feet minimum overall depth;
 - (2) Three (3) feet minimum width;
 - (3) Stoops must correspond directly to the building entry(ies);
 - (4) Stoops may be covered by an awning or shed-type roof extending up to five (5) feet forward of the building façade for the width of the stoop.
- (E) *Shop frontage and modified shop frontage.* A frontage in which a highly fenestrated façade is placed at or near the street line and the entrance is at sidewalk grade.



- (1) The shopfront type is conventional for retail use, and requires a minimum of seventy (70) percent translucent glazing on the ground floor, with the window bottoms no higher than two (2) feet above the sidewalk. The modified shop frontage requires between thirty (30) and seventy (70) percent translucent glazing on the ground floor between three (3) and eight (8) feet above sidewalk grade. The modified shopfront is ideal for ground-story office use and live/work units. Modified shop fronts are not permitted within the core of the City Center District, and shall not be utilized for buildings intended to house retail uses.
- (2) Shopfront store entrances should be recessed, not flush, with the edge of the building façade, to provide shelter for persons entering and exiting, to articulate the façade, and to provide maximum window display area at the entrance (the recess allows the angling the shop windows at a forty-five-degree angle from the façade to the entry). Modified shop front entries should not be recessed.
- (3) Street frontage façades shall have entryways at reasonable intervals, typically no more than fifty (50) feet apart. Ground level façades that face the street shall be designed with entrances, windows, display windows, or other display devices.
- (4) Shopfronts and modified shopfronts must be combined with one (1) of the following elements:
 - (a) Gallery roofs (attached cantilevered shed or lightweight colonnade) are required to overlap the sidewalk to within three (3) feet of the curb face. The gallery roof may

form a balcony for an upper floor. This pattern may be repeated for up to four (4) stories.

- (b) Awnings, which may be constructed of flexible or rigid materials, shall project from the building façade a minimum of seven (7) feet forward of the façade, and may extend over the sidewalk to within one (1) foot of the street tree planting trench or grates. Awnings shall extend along a minimum of eighty (80) percent of the building frontage, excluding recesses from the BTL for forecourts and courtyard frontages. Balconies on upper stories shall not project forward of the BTL with shopfront/awning frontage.

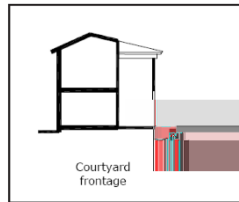


- (c) Arcades are colonnades supporting habitable space above, that extend a minimum ten (10) feet forward of the ground story façade at all points, and overlap the sidewalk. The arcade may extend to within three (3) feet of the curb face (provided there is no conflict with street trees and street light poles), or may be set back further provided there is a minimum ten (10) feet between the curb face and colonnades. The ground floor façade shall be located at the BTL, or behind the BTL if permitted by the applicable district regulations. Upper stories of the building may be built over the arcade.

(F) *Forecourt frontage*. This frontage type is permitted as a supplemental frontage for commercial/mixed-use and live-work buildings. This frontage type features a façade that is built to the BTL but with the central portion being recessed and uncovered. This type must be used in conjunction with other frontage types. A forecourt may be used sparingly in conjunction with a shopfront, gallery or arcade frontage, and is suitable for gardens, outdoor dining, or in some cases, vehicular dropoff. A fence or wall at the BTL, not exceeding four (4) feet in height with a pedestrian opening, may be provided to define the space of the court. A variety of forecourt designs are possible with the following standards:

- (1) The court must be between ten (10) feet and thirty (30) feet in depth, and between ten (10) feet in width and not wider than fifty (50) percent of the building's street frontage.
- (2) Courts between ten (10) feet and fifteen (15) feet in depth should be at least seventy-five (75) percent paved and enhanced with landscaping.

- (3) Courts between fifteen (15) feet and thirty (30) feet in depth must be designed with a balance between paving and landscaping, such that the paved area should comprise between fifteen (15) and seventy-five (75) percent of the court.



(G) *Courtyard frontage.* This frontage type is permitted as a supplemental frontage for commercial/mixed-use, live-work and apartment buildings. Courtyard buildings are actually building types as much as they are frontage types, but are treated as frontage types because they can be combined with multiple building types. Courtyards are frontage and building type combination in which the building substantially occupies the boundaries of its lot, and the building frontage opens up into an internal yard provided in the form of a courtyard.

- (1) The courtyard entrance may be fully open to the street or may be accessed through a wide opening in the façade over which upper stories extend. The courtyard may be defined by a single building or multiple buildings on the lot that are arranged so as to enclose the courtyard on three (3) or four (4) sides, or may enclose the courtyard at least two (2) sides, forming a linear courtyard that extends between parallel block faces or between a street to a parking facility, much like a wider and more functional version of a paseo. A linear courtyard frontage is useful in linking two parallel streets, such as Federal Highway and East or West 1st Avenues, and may be used in lieu of a paseo. Most typically, courtyards are enclosed on three (3) sides by a single building that is roughly "U" shaped.
- (2) In a commercial block, this type should be used sparingly in conjunction with other frontage types, with the sum total of actual courtyard openings along a block limited to twenty (20) percent of the block face. A courtyard is suitable for gardens, outdoor dining, or in some cases, a vehicular drive. A fence or wall at the street line not exceeding four (4) feet in height with a pedestrian opening may be provided to define the space of the court.
- (3) The courtyard width must be at least fifteen (15) feet and not more than fifty (50) feet, and the courtyard opening to the street must not comprise more than fifty (50) percent of the building width at the BTL (or in the case of a linear courtyard, the combined width of buildings on each side of the courtyard).
- (4) Courtyards must be designed with a balance between paving and landscaping, such that the paved area should comprise no more than fifty (50) percent of the courtyard.
- (5) All ground-floor dwelling units or nonresidential suites fronting the courtyard shall have primary access from the courtyard. Upper-level units may also have access from the courtyard via exterior stairways. Use of double loaded corridors is discouraged, in favor of having all units/suites fronting either the street, courtyard or both with external direct access to each unit or suite.

- (6) The courtyard frontage in combination with an apartment building requires a minimum setback of ten (10) feet from any interior lot line wherever windows will face such property lines. A minimum five-foot-wide landscape buffer shall be provided along such lot lines to create privacy.
- (7) The street BTL for courtyard frontages shall be the same BTL required for shopfront, porch or stoop frontages used in combination with the courtyard.
- (8) Nonresidential courtyards shall be accessible to the public for at least the time of normal business hours.
- (9) Required street frontages shall be continued throughout the courtyard, with entries to the courtyard, business and storefronts within the courtyard designed and lighted so they are safe and visible to courtyard guest, avoiding hiding places.
- (10) Courtyards should provide at least one sitting place for each one hundred (100) square feet of courtyard in addition to any permitted outdoor dining provided.
- (11) Courtyards should have adequate mix of sun vs. shaded area; no more than fifty (50) percent of the courtyard should be covered with a roof.
- (12) No vehicular access, loading, or parking is permitted.
- (13) At least ten (10) percent of the courtyard surface shall be landscaped. Shade trees and gardens are encouraged.

ARTICLE 312. CIVIC OPEN SPACE; STANDARDS AND GUIDELINES

Sec. 312-10. Generally.

The following areas shall qualify as open space to satisfy minimum open space requirements and qualify for open space incentives: landscaped areas; plazas; courtyards; pocket parks; and paseos. All such areas must comply with the standards of this article and the urban design standards of article 525 in order to satisfy open space requirements and qualify for incentive bonuses pertaining to provision of open space.

Sec. 312-20. Plazas.

- (A) *Definition.* Plazas are pedestrian-friendly open spaces that extend the public realm from the street or sidewalk to the main entry of an adjacent building. Plazas are designed to facilitate public gatherings and congregations. Plazas are usually provided in front of a multistory building, which incorporate urban design elements such as special pavers, public art, architectural elements and water features.
- (B) *Size.* Plazas shall be a minimum of two thousand, five hundred (2,500) square feet in area.
- (C) *Location.* Plazas and civic open spaces shall generally be located along major thoroughfares and intersections and shall not interfere with vehicular traffic, pedestrian flow or building activities. Plazas are encouraged in the CC, EDBB-MU, NBHD-MU, and SFED-MU districts to facilitate public gatherings and public congregation.

Figure 312-1



Figure 312-2



- (D) *Access.* Plazas should abut public areas and be physically and visually accessible from the public sidewalks. Security fences, walls, and entry gates should not block the sidewalk edge of the plaza or views into the plaza. The plaza shall be accessible to the public for at least the time of normal business hours. Vehicular access, loading, or parking within the plaza is prohibited. Emergency access drives will be considered through plaza upon review of integration into plaza design.
- (E) *CPTED design.* Adjacent development should be designed with crime prevention through environmental design (CPTED) principles, including natural surveillance considerations, furthered through building orientation and access to the park, and fenestration, in order to encourage use and ensure security. There should be no potential hiding places. Special features, and medium size vegetation shall be implemented with this in mind. Adequate security lighting shall be provided to aid in natural surveillance and crime deterrence.
- (F) *Building walls.* Ground-level façades facing a plaza shall avoid blank walls that are devoid of generous glazing and entrances.
- (G) *Rooftop plazas.* Rooftops can be used for open space, including sun decks, pool decks, tennis courts, gardens, and outdoor cafes/restaurants. Rooftop open space does not qualify [as] open space credit, although it may qualify for credit as a green building practice.
- (H) *Water features.* A water feature or public art is required for the open space incentive bonus. The use of water, in a variety of forms adds aesthetic value to the area and a sense of respite. Water features help to mask inhospitable noise, direct attention, cool the microclimate of a space and create a positive image of the area. They can be freestanding features or attached to a building wall. The visual aesthetic shall be carefully considered when designing water features. A variety of water feature effects are encouraged, such as the use of bubblers, sprays,

falls, and mists. Lighting should accompany water features to add visual interest during nighttime hours and additional security. All water features must conform to local codes and regulations, and shall not have exposed mechanical or electrical equipment.

Figure 312-3



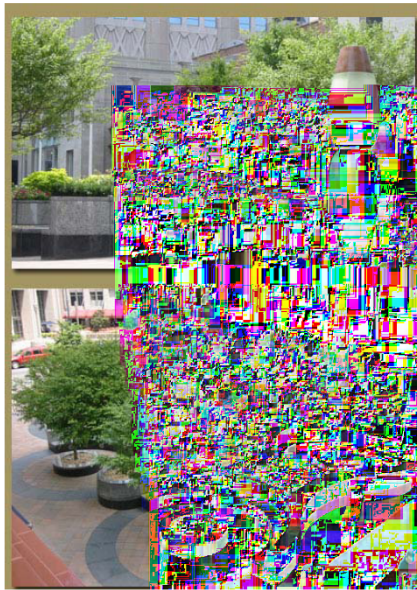
- (I) *Public art.* Public art, as defined in section 725-30, is encouraged adjacent to public sidewalks and in open spaces to create identity and to celebrate the local art community in Dania Beach. The inclusion of public art or water feature is required for the open space incentive bonus. Any public art shall be free of sharp edges or obstructive elements that might cause physical harm. Public art shall be permitted within public pedestrian corridors or sidewalks upon the approval of the public services director and approval of necessary encroachment license and maintenance agreement in a form acceptable to the city attorney.
- (J) *Special paving.* Special paving is an important element within an urban setting. It defines space along the ground plane and contributes to a place's unique sense of identity. Special paving shall be incorporated into plazas and other open spaces. Paving materials shall reflect the intensity of expected pedestrian traffic, aid in circulation routes and create identifiable ground plane associations. There are a variety of materials, colors and shapes available for special paving. Careful consideration should be made in the selection of the materials, colors and shapes for special paved areas, especially in area dedicated for public use.
- (K) *Shading.* Plazas should have adequate mix of sun vs. shaded area. No more than forty (40) percent of the plaza shall be covered with a roof. At least ten (10) percent of the plaza's surface shall be landscaped to provide heat relief.
- (L) *Seating.* Plazas shall provide at least one (1) sitting place for each two hundred (200) square feet of plaza in addition to any permitted outdoor dining provided.

Sec. 312-30. Pocket parks.

- (A) *Definition.* A small, mostly passive, urban park that offers shaded seating and can include water features, art or a small playground, and can offer relief from the urban hardscape. Pocket parks may be utilized as an urban agricultural garden pursuant to sections 302-10 and 312-50. They can also serve as tot-lots for adjacent residences.
- (B) *Size.* Pocket parks range in size from at least two thousand five hundred (2,500) square feet to approximately one-quarter ($\frac{1}{4}$) acre.
- (C) *Location.* Pocket parks should abut streets and be physically and visually accessible from the public sidewalks.

- (D) *CPTED design*. Adjacent development should be designed with crime prevention through environmental design (CPTED) principles, including natural surveillance considerations, furthered through building orientation and access to the park, and fenestration, in order to encourage pocket park use and ensure security. There should be no potential hiding places. Special features and medium-size vegetation shall be implemented with this in mind. Adequate security lighting shall also be provided to aid in natural surveillance and crime deterrence.
- (E) *Access*. The pocket parks shall be accessible to the public for at least the time of normal business hours. A pocket park shall be exclusive of any vehicular access, loading and parking areas.
- (F) *Seating*. Pocket parks shall provide at least one (1) sitting place (i.e. seat for one (1) person) for each two hundred (200) square feet.
- (G) *Shade*. An even mix of sun and shade coverage is encouraged.
- (H) *[Playground equipment.]* Plastic playground equipment is discouraged.
- (I) *Amenities*. The park shall provide a water feature, public art, or playground equipment for incentive credit.

Figure 312-4



Sec. 312-40. Courtyards.

See courtyard frontage type under building frontage type standards.

Sec. 312-50. Urban agricultural garden.

Urban agricultural gardens are plots of land gardened by a group of people. Such gardens include small gardens where people grow vegetables, as well as tiny street beautification planters on urban street corners. For all their diversity, however, most community gardens share at least four (4) elements in common: land (or a place to grow something); plantings; gardeners; and some sort of organizing arrangements. Land for a community garden can be publicly or privately held. One (1) strong tradition in community gardening in urban areas is cleaning up abandoned vacant lots and turning them into productive gardens. Alternatively, community gardens can be seen as a health or recreational amenity and included in public parks, similar to ball fields or playgrounds.

Section 3. 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 4. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 5. That this Ordinance be codified in municode.com.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2023.

PASSED AND ADOPTED on second reading on _____ 2023.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Joyce Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☐ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: _____

Date Rec'd: 09/07/23

Petition No.: TX-042-23

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

The City's DRC process requires a hard copy of the application and application fee payment to be submitted to City Planning staff BEFORE electronic submittal will be accepted for processing. Applications will only be accepted on the submittal date identified on the annual DRC Meeting Deadline schedule. The application must identify the number of proposed residential dwelling units and/or the square footage of commercial/industrial use, as applicable. Once the application and fee are received a file number will be issued which must be used to identify the project when submitting electronically. Once the file number is issued, the applicant has 24 hours to load the plans electronically. Failure to submit within 24 hours will require the application to begin again the following month.

Location Address: 100 W DANIA BEACH BLVD

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) CITY OF DANIA BEACH

Address of Applicant: 100 W DANIA BEACH BLVD

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: CITY OF DANIA BEACH

Address of Property Owner: 100 W DANIA BEACH BLVD

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: AMEND THE CITY'S LDC TO REDUCE THE BUILDING HEIGHT AND DENSITY WITHIN THE FORM-BASED ZONING DISTRICT (RAC)
Please provide proposed **Plat Name & Criteria Statement** as required by the City's **Land Development Code**.

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 14th DAY OF September, 2023

By:

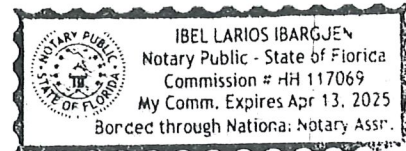
Eleanor Norena.

(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]

(Signature of Notary Public – State of Florida)



Personally known X or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***

NOTICE OF PUBLIC HEARING CITY OF DANIA BEACH, FLORIDA

A Public Hearing will be conducted by the City of Dania Beach City Commission on the following date to consider the following application:

DATE: Tuesday, September 26, 2023

TIME: 7:00 p.m. or as soon thereafter as the same may be heard

PLACE: City Commission Chambers
Dania Beach City Hall
100 West Dania Beach Blvd.
Dania Beach, FL 33004

SUBJECT: **TX-042-23:** The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Land Development Code (LDC) to reduce building height and density within the form-based zoning districts (First Reading).

The following is the proposed Ordinance of the matter:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 "LAND DEVELOPMENT CODE"; AT PART 3, "SPECIAL ZONING DISTRICTS"; SUBPART 1 "COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS" TO PROVIDE SPECIFIC REGULATIONS FOR THE 4,000 RAC UNITS AUTHORIZED BY BROWARD COUNTY TO BE ALLOCATED TO THE CRA FORM BASED CODE ZONING DISTRICT THROUGH THE CITY'S COMPREHENSIVE PLAN AMENDMENT TO BE ADOPTED IN DECEMBER 2023, TO PROVIDE FOR A SPECIFIC FORM BASED REGULATION FOR THE 4,000 NEW RAC UNITS; AND PROVIDING FOR A VESTING OF THE 2010 RAC UNITS APPROVED UNDER ORDINANCE NO. 2010-007 (ADOPTED ON 9/28/10) UNDER THE REGULATIONS OF THIS SUBPART AS THEY EXISTED IN SUPPLEMENT 154 OF THE DANIA BEACH CODE OF ORDINANCES, DATED NOVEMBER 30, 2022, PUBLISHED BY MUNICIPAL CODE CORPORATION; AND SPECIFICALLY AMENDING THE CRA FORM BASED CODE FOR THE 4,000 UNITS TO ELIMINATE INCENTIVES PROVIDE FOR MANDATORY GREEN CODE REQUIREMENTS AND CLARIFICATIONS, INCLUDING THE FOLLOWING REVISIONS: AMENDING 300-30, ENTITLED "HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT"; AMENDING SECTION 300-60, ENTITLED "OTHER DEVELOPMENT REGULATIONS"; AMENDING SECTION 300-80, ENTITLED "INTENT"; AMENDING SECTION 301-20, ENTITLED "APPLICABILITY"; AMENDING SECTION 301-40, ENTITLED "SITE PLAN PROCEDURES"; AMENDING SECTION 301-50, ENTITLED "VARIATIONS IN DESIGN; PROCEDURE FOR REVIEW OF DESIGN VARIATIONS"; AMENDING ARTICLE 303, ENTITLED "DISTRICT DEVELOPMENT STANDARDS"; AMENDING SECTION 303-30, ENTITLED "ILLUSTRATED DEVELOPMENT STANDARD DEFINITIONS; INTERPRETATION"; AMENDING THE FOLLOWING SECTIONS: 303-40, ENTITLED "CITY CENTER (CC) DISTRICT"; SECTION 303-50, ENTITLED "NBHD-MU, NEIGHBORHOOD MIXED-USE DISTRICT"; SECTION 303-60, ENTITLED "EDBB-MU, EAST DANIA BEACH BOULEVARD MIXED-USE DISTRICT"; SECTION 303-70, ENTITLED "GTWY-MU, BEACH GATEWAY MIXED-USE DISTRICT"; SECTION 303-80, ENTITLED "SFED-MU, SOUTH FEDERAL HIGHWAY CORRIDOR MIXED-USE DISTRICT"; SECTION 303-90, ENTITLED "NBHD-RES, NEIGHBORHOOD RESIDENTIAL DISTRICT"; SECTION 303-100, ENTITLED "MARINE DISTRICT"; ARTICLE 304, ENTITLED "BUILDING HEIGHT AND TRANSITION REGULATIONS"; AT SECTIONS 304-10, ENTITLED "GENERALLY"; SECTION 304-20, ENTITLED "RULES OF HEIGHT TRANSITION FROM RESIDENTIAL ZONING DISTRICTS"; STRIKING SECTION 304-30, ENTITLED "RULES OF HEIGHT TRANSITION ADJACENT TO FEC RAILROAD CORRIDOR"; RENAMING ARTICLE 305 FROM "INCENTIVES" TO "SUSTAINABLE BUILDING REQUIREMENTS"; STRIKING SECTION 305-10 "APPLICABILITY"; STRIKING SECTION 305-20 ENTITLED "SCHEDULE OF INCENTIVES"; STRIKING SECTION 305-30 ENTITLED "INCENTIVES FOR PROVIDING PUBLIC OPEN SPACE"; STRIKING SECTION 305-40, ENTITLED "INCENTIVES FOR PROVIDING ATTAINABLE HOUSING"; STRIKING SECTION 305-50, ENTITLED "SUSTAINABLE BUILDING PRACTICES"; CREATING A NEW SECTION 305-10 ENTITLED "APPLICABILITY"; CREATING A NEW SECTION 305-20 ENTITLED "GREEN BUILDING; GREEN BUILDING PRACTICES"; CREATING A NEW SECTION 305-30, ENTITLED "THIRD PARTY CERTIFICATION REQUIRED"; STRIKING SECTION 305-60 ENTITLED "PROVIDE PUBLIC PARKING"; STRIKING SECTION 305-70 ENTITLED "INCENTIVES FOR PUBLIC PARKS"; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS"; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed requests or applicable information are available on line. For more information, please call the Planning Division at (954) 924-6805 Ext. 3704 and staff will direct you to the on-line project information.

Please be advised that if a person decides to appeal any decision made by Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not provide or prepare such record pursuant to F.S. 286.0105.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, (954) 924-6800 Ext. 3624, at least 48 hours prior to the meeting.

Property Subject of Upcoming Hearing



Application Information

Application Site: City Wide

Project: Text Amendment

Request: Amendment the City's LDC regarding building height and residential density within the form-based zoning districts.

Applicant: City of Dania Beach

Hearing Date & Time: September 26, 2023 at 7:00 PM

Hearing Location: City Commission Chambers, Dania Beach City Hall,
100 West Dania Beach Blvd

Contact Information: Corinne Lajoie, AICP, Assistant Director,
(954) 924-6805 Ext. 3704



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director

SUBJECT: TX-002-24: The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Land Development Code, establishing green building design requirements for new development occurring in the City (SECOND READING).

Request:

The Community Development Department is requesting an amendment to the City's Land Development Code (LDC) to establish green building design requirements for new development.

Background:

On September 26, 2023 the City Commission approved the elimination of incentives on first reading. Second and final reading adopting this change is anticipated in March of 2024. One of the incentives proposed to be eliminated is the Green Building Practices. As a result, the City Commission directed staff to create some green building standards that could be adopted in the City's LDC. On January 8 – 9, 2024 staff met with each City Commissioner individually to discuss any comments or concerns based on the proposed regulations. The text amendment proposed is described below.

The amendment proposed establishes a list of forty-three (43) green building practices as recommended by the Community Development Department's consultant, the Spinnaker Group. The text amendment recognized different size developments as needing to incorporate a larger number of green building design initiatives into a development project. Therefore, the project sizes are identified below with the corresponding number of green building initiatives needed for each.

- Single Family/Duplex (& major renovations) – must incorporate 5 out of 43 practices.
- Small scale site plan development - must incorporate 5 out of 43 practices.
- Large scale site plan development - must incorporate 10 out of 43 practices.
- New City Facilities - must incorporate 10 out of 43 practices.

On February 21, 2024 the Planning and Zoning Board will hear this text amendment. The

Board's recommendation will be presented at the City Commission meeting. On February 27, 2024, the City Commission approved this item on first reading.

Budgetary Impact

N/A

Recommendation

The Community Development Department supports the amendment and recommends the City Commission approve the ordinance on second and final reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, "LAND DEVELOPMENT REGULATIONS", OF THE CITY CODE OF ORDINANCES, CREATING ARTICLE 206, "GREEN BUILDING DESIGN STANDARDS", AND CREATING SECTIONS 206.10 THROUGH 206-90, IMPLEMENTING THE GREEN BUILDING STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Code in order to provide for Green Building Standards, and to include those standards in the City's Code; and

WHEREAS, the City desires to modify Chapter 28 of the Land Development Regulations to created Article 206, for Green Building Standards.

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

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That Chapter 28 of the City's Code of Ordinances entitled "Land Development Regulations", to create Article 206, entitled "Green Building Design Standards", to read as follows:

**CHAPTER 28
LAND DEVELOPMENT REGULATIONS**

* * *

ARTICLE 206. – GREEN BUILDING DESIGN PRACTICES

Sec. 206-10. – Purpose and intent

To establish City-wide mandatory green design practices, certification requirements and development incentives for building and site design, materials and construction techniques that minimize demand for nonrenewable material and energy resources, water consumption, and minimize the generation of waste products, pollution, and stormwater runoff.

Sec 206-20. – Definitions

For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ASHRAE. The American Society of Heating, Refrigerating and Air-Conditioning Engineers.

Biophilic design. A design approach to architecture that seeks to connect building occupants more closely to nature. Biophilic designed buildings incorporate things like natural lighting and ventilation, natural landscape features and other elements for creating a more productive and healthier built environment for people.

Circular products. Products that operate within the circular economy model i.e. those products that have reduced or completely no need for virgin resources and are designed with the end of their life in mind.

Energy Star. Energy Star rating system (use latest edition of rating system at time of submittal of permit application to the Building Division).

ENVISION. Sustainable infrastructure rating system developed by the Institute for Sustainable Infrastructure (ISI).

FGBC. Florida Green Building Coalition (use latest edition of rating system in effect at time of submittal of permit application to the Building Division).

Green design practice. Any of the design practices delineated in Article 206, maintained by the Community Development Department and adopted by resolution of the City Commission, as may be amended from time to time.)

LEED. Leadership in Energy and Environmental Design by the USGBC (use latest edition of LEED rating system in effect at time of submittal).

Lux. A is a measure of the amount of light level intensity, which is commonly referred to as unit of illuminance or illumination on a surface area. Lux is a SI unit that measures “luminous flux” per unit area. The measurement of 1 lux is equal to the illumination of a one-meter square surface that is one meter away from the light output of a single candle. One (1) Lux is one (1) lumen projected over an area of one (1) square meter.

MERV. Minimum efficiency reporting value reports an air filter’s ability to capture larger particles between 0.3 and 10 microns (um).

Solar Reflectance Index (SRI). A measure of the constructed surface’s ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black surface (reflectance 0.05, emittance 0.90) is 0 and a standard white surface (reflectance 0.80, emittance 0.90) is 100.

Sustainable Agriculture Practices, Sustainable agricultural practices are intended to protect the environment, expand the Earth’s natural resource base, and maintain and improve soil fertility.

USGBC. U.S. Green Building Council.

Sec. 206-30. – Applicability

- (A) This Article applies to construction of all new buildings, structures and sites, as well as major renovation consisting of alterations, modifications or additions that exceed fifty (50) percent of the total floor area of an existing building or structure in the City.
- (B) Development subject to the requirements of this Article is classified in the following categories:
- (1) Single family dwellings and duplexes (Section 206-40);
 - (2) Small scale development (Section 206-50);
 - (3) Large scale development (Section 206-60); and,
 - (4) City facilities (Section 206-70). City facilities shall also comply with Fla. Stat. 255.2575.
- (C) This Article does not apply to developments that have an approved development order issued prior to the effective date of this Article; proposed developments that have a complete development application in the process of review by the City or that have been issued a building permit number prior to March 12, 2024

Sec. 206-40. – Single family dwellings and duplexes

New construction of, and a major renovation (substantial improvement) to, a single-family dwelling or duplex shall include a minimum of five (5) green design practices, as established in Section 206-80.

Sec 206-50. – Small-scale development

- (A) For the purposes of this Article, small-scale development is defined as follows:
- (1) Multifamily residential development in buildings 1 - 3 stories in height, or less than fifty (50) dwelling units; or,
 - (2) Less than twenty thousand (20,000) square feet of nonresidential use; and,
 - (3) Does not include both residential and nonresidential uses.
- (B) For small scale development, new construction of, and a major renovation to any building, structure or site shall include a minimum of five (5) green design practices, as established in Section 206-80.

Sec 206-60. – Large-scale development

(A) For the purposes of this Article, large scale development is defined as follows:

- (1) Multifamily residential development in buildings over three (3) stories in height, or fifty (50) dwelling units or more; or
- (2) Twenty thousand (20,000) square feet or more of nonresidential use; or,
- (3) Development that includes both residential and nonresidential uses; or,
- (4) Any development on a lot with a net land area of more than one (1) acre, regardless of building / structure size or dwelling unit count.

(B) All large-scale development, including new construction of, and major renovation (substantial improvements) to, any building, structure or site, shall include a minimum of ten (10) green design practices, as established in Section 206-80.

Sec. 206-70. – City facilities

All new City facilities shall include a minimum of ten (10) green design practices, as established in Section 206-80. City facilities shall also comply with Fla. Stat. 255.2575.

Sec 206-80. – Green Design Practices

(A) The following green design practices are approved for single family dwellings, duplex and small-scale development:

- i. Minimum R-values for Wall, Roof and Floor Insulations. The entire building thermal envelope meets or exceeds the insulation requirements of 2021 IECC Table R402.1.3 including a minimum ceiling R-value of thirty (30).
- (2) Maximum Assembly and Fenestration Requirements. The building thermal envelope meets the fenestration requirements of 2021 IECC Table R402.1.2. Assemblies have a U-factor that does not exceed the values specified in Table R402.1.2 and the glazed fenestration Solar Heat Gain Coefficient (SHGC) does not exceed a maximum of 0.25.
- (3) High Reflectance Roofs (Cool Roofs)
 - i. All roof surfaces must provide a Solar Reflectance Index (SRI) as follows:
 - a. Low-sloped roofs with a maximum slope of 2:12: initial SRI of eighty-two (82) or three year (3-yr) aged SRI of sixty-four (64).
 - b. Steep-sloped roofs with a maximum slope of 2:12: initial SRI of three (3) year aged SRI of thirty-two (32).

- ii. Compliant metal roofs meeting initial SRI values above are preferred.
- iii. Vegetated Roofs automatically qualify.

(4) Vegetated Roof Planters (Green Roofs)

- i. At least fifty percent (50%) of the total roof surface must consist of a vegetated roof planter.
 - ii. A vegetated roof, also referred to as a living roof or planter, shall mean a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional components such as a root barrier, drainage and irrigation system, and soil containment.
 - iii. Green roof structural components (non-vegetative components) shall be deemed permitted accessory equipment in all zoning districts.
 - iv. The vegetated roof structural components (non-vegetative components) may exceed the maximum permitted height limit in any zoning district by no more than five (5) feet.
 - v. For existing buildings non-conforming to height requirements, in order to be deemed permitted accessory equipment, green roof structural components may exceed the roof height by no more than five (5) feet.
- (5) Sanitation system for pools that reduces chlorine usage. To claim this design practice, a system that eliminates the use of liquid chlorine by recycling a salt alternative, or a system that reduces the amount of liquid chlorine required by using ionization technology must be used. An ultraviolet and ozone system that sterilizes the water without the use of chemicals is also acceptable. Systems must be shown on plans and verified by a plumbing inspector on site at final inspection.
- (6) No garbage disposal. No disposal should be shown on plans, and no disposal should be present at the time of final building inspection.
- (7) All Energy Star appliances. All permanent appliances in each dwelling unit that can be Energy Star rated must be so rated to claim this item. (This includes refrigerator, stove, washing machine, dryer, etc. Items not covered are countertop appliances such as toasters, mixers etc.) Energy Star appliances must be verified by a building inspector on site at final inspection.
- (8) Energy Star qualified homes. The owner shall submit proof of application and the retainer retention of an energy star rater. A copy of the Energy Star home certificate shall be given to the Building Division upon receipt prior to the final certificate of occupancy.

- (9) Shower heads. Install low flow shower heads rated at a maximum flow of 1.75 gallons per minute at eighty (80) psi water pressure per compartment (compartment defined as a shower with a maximum area of 2500 sq. in.). All showers shall have no more than one shower head per compartment (including rain shower heads and handheld shower heads) or shall install a point-of-use diverter so that a maximum flow rate per shower compartment is achieved. All shower heads must be shown on plumbing plans and verified by plumbing inspector on site at final inspection.
- (10) Central vacuum system (CVS). CVS canister shall be located in non-air-conditioned space and shown on plans accordingly. CVS system must be verified by building inspector on site at final inspection.
- (11) Washer and dryer outside of air-conditioned space. Washer and dryer outside of air-conditioned space must be shown on plans and verified by building inspector on site at final inspection.
- (12) Clotheslines (Single family and duplex development only).
- i. Clotheslines are deemed permitted accessory structures and shall conform to the accessory structure setback and height requirements of the zoning district in which the property is located.
 - ii. A clothesline cannot be installed in an easement without a form signed by any holder of an easement on the property consenting to the installation within the easement.
- (13) Recycling
- i. Residential uses: A dedicated storage area for a garbage bin and a recycle bin, sized to fit both, must be shown on the plans. Dedicated storage area shall be verified by plans examiner. Plans for the kitchen must include pull-out recycling and garbage bins built into cabinets. Pull-out bins built into cabinets shall be verified by plans examiner at permit review and by building inspector at final inspection.
 - ii. Non-residential uses: A dedicated area for collecting recycled materials that is accessible to all occupants must be provided. This can be internal or external but must be shown on plans and verified by plans examiner at permit review and by the building inspector at final inspection.
- (14) Bicycle Storage and Changing Room (Small-scale development only).
- i. Long-term bicycle storage provided for a minimum of five percent (5%) of full-time equivalent (FTE) employees and thirty percent (30%) of residents.
 - ii. The long-term bicycle storage area shall include covered dedicated lockable racks on the ground floor level with facilities to accommodate a minimum of fifty percent (50%) of all required bicycle parking spaces per Section 265-51.

- iii. Short-term bicycle storage provided for a minimum of two and a half percent (2.5%) of all peak visitors, students, and retail customers.
 - iv. The total number of residents per dwelling unit equals one plus the number of bedrooms for each unit (i.e. three (3) residents for a 2-bedroom unit). The total number of FTE employees, peak visitors, students and retail customers can be estimated using the LEED v4 BD+C Reference Guide, Appendix 2, Table 1 Default Occupancy Numbers.
 - v. The changing room shall be a dedicated lockable room for the changing of clothes to which occupants of the building have access when building is in use.
- (15) Photovoltaic (PV) system
- i. Single family and duplex development shall install solar PV system capable of generating at least sixty percent (60%) of energy demand based on daytime peak load and on an annual basis.
 - ii. Small scale development shall install solar PV system capable of generating at least ten percent (10%) of energy demand based on daytime peak load and on an annual basis.
 - iii. Section 220-65 contains additional regulations for rooftop photovoltaic systems.
- (16) Solar water heater must provide solar water heating with at least an eighty (80) gallon storage tank.
- (17) Electric vehicle charging station(s)
- i. Single family and duplex development shall install electric lines and circuit breakers to readily accommodate future installation. Lines shall be installed up to the point where the charging station will be located.
 - ii. Small scale development shall install a minimum number of electric vehicle-charging station(s) with the project at the rate of five (5) percent of the total number of required parking spaces. If five (5) percent calculates to a fractional number, that fractional number must be rounded up to the next higher whole number.
 - iii. An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than twenty-four (24) inches wide by eighteen (18) inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.
 - iv. The application documents for the project shall at a minimum identify the following:
 - a. The location where the vehicle(s) will be parked,

- b. The location of the charging station(s), and
 - c. The electrical plans showing the location of the meter, circuitry, panel schedules and routing.
- v. Permeable Hardscapes. At least thirty percent (30%) of total surface area of all hardscapes (driveways, walkways, plazas, patios, and surface parking) must be permeable surfaces that achieve a surface infiltration rate of five hundred (500) inches/hour when newly installed.
- (18) Florida Native Landscaping. Exceed the native planting requirements in Section 275-60 by planting a minimum of eighty (80) percent of all vegetation, including turfgrass and groundcover.
- (19) Enhanced Tree Canopy
- i. Single family and duplex development shall provide a minimum of six (6) trees of three (3) different species and twenty (20) shrubs shall be planted per lot. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of two (2) trees and six (6) shrubs per three thousand (3,000) square feet of lot area.
 - ii. Small scale development shall exceed the minimum tree requirements listed in Article 275 by planting one hundred fifty percent (150) of the minimum trees required in the Perimeter buffer landscape, and two hundred percent (200) of the minimum trees required in the Interior landscape requirements for Vehicular Use Areas.
- (20) Green Walls
- i. A green wall, also referred to as a living wall or vertical garden, shall mean an internal or external wall partially or completely covered with vegetation that includes a support structure and growing medium, and an integrated water delivery system.
 - ii. A green wall must cover at least forty (40) percent of the external surface on the opaque wall assembly on which it is constructed or a minimum of twenty (20) percent of the entire façade.
 - iii. Green wall systems shall be deemed permitted accessory equipment in all zoning districts.
 - iv. The green wall structural components (non-vegetative components) may encroach into any required setback by no more than three (3) feet.
 - v. For existing buildings non-conforming to height requirements, in order to be deemed permitted accessory equipment, green roof structural components shall not exceed the roof height by more than five (5) feet.

(21) Irrigation systems

- i. Drip Irrigation system is installed for all landscape beds along with an irrigation plan and implementation executed by a Qualified Professional certified by a Water Sense labeled program or equivalent.
- ii. Provide irrigation controllers that are labeled EPA water sense program.

(22) Rainwater collection and distribution. Collect rainwater installing an impermeable cistern system and distribute collected water for at least fifty percent (50%) of irrigation demands or for at least twenty-five percent (25%) of indoor flush fixtures (toilets, urinals) or a combination of both.

(23) Enhanced hurricane resistant structure. Meet a wind load twenty miles per hour (20 mph) greater than Florida Building Code requirements.

(24) Low-Impact Development / Green Infrastructure

- i. Provide Green infrastructure (GI) and low-impact development (LID) rainwater management strategies as part of the overall stormwater management efforts for the project. LID strategies include bioretention, vegetated swales and buffers, rain gardens, permeable surfaces, rainwater harvesting systems, vegetated roofs, and soil amendments. Refer to EPA's National Menu of Stormwater Best Practices for additional reference.
- ii. For projects that propose Green Infrastructure or Low Impact Development systems for stormwater management and/or water quality protection, the applicant must demonstrate the proposed system meets the applicable stormwater management and/or water quality protection requirements as required by the City, Broward County, the South Florida Water Management District or the Florida Department of Environmental Protection as applicable.
- iii. The property owner shall provide the City with the issued permit(s) from any external applicable jurisdictional agency if required for the Green Infrastructure or Low Impact Development system.
- iv. The Green Infrastructure shall be maintained to ensure the efficacy of the system in managing stormwater and protecting water quality.

(25) Diversion of waste from landfill. For projects involving demolition, provide documentation that at least thirty percent (30%) of all demolition materials will be reclaimed, recycled or otherwise diverted from landfill.

(26) Community Garden (Small-scale development only). A portion of the lot is established as a community garden, available to residents/occupants/visitors to provide local food production to residents or area consumers.

- (27) Community Placemaking. Provide a publicly accessible space within the project that promotes social wellbeing of a community and serves as a positive neighborhood feature.
- (28) Reuse of existing building. At least seventy-five percent (75%) by area or surface of the major elements or components of an existing building and structures are reused, modified or deconstructed for later use.
- (29) Salvaged/Reclaimed Materials. At least ten percent (10%) by cost of the total construction cost are either salvaged or reclaimed materials from within the site or from off site. Cannot repeat the same item used for Reuse of existing building.
- (30) Bio-based and Wood Products
- i. Use at least two (2) types of bio-based materials, to reach two percent (2%) of the project's projected building material cost. Bio-based products include but are not limited to:
 - a. Bamboo, Cork, Cotton, or Wool and Engineered Wood,
 - b. Any products containing minimum fifty percent (50%) of biobased content as determined by the manufacturer according to ASTM Standard D6866,
 - c. Any biobased products meeting Sustainable Agriculture practices.
 - ii. At least fifty percent (50%) of all wood products (by total value) have been certified to Forestry Stewardship Council standards.
- (31) Low-Emitting Construction Materials. Provide ninety percent (90%) of Adhesive, Sealants, Paints and coatings with Low VOC content based on the South Coast Air Quality Management Division (SCAQMD) rules 1168 for Adhesives and Sealants and 1113 for Paints and Coatings.
- (32) Low-Emitting Flooring. Provide one hundred percent (100%) of hard flooring with Floor Score certification and one hundred percent (100%) of carpets with Green Label Plus certification.
- (33) Circular Products
- i. Use at least five (5) permanently installed products from three (3) manufacturers that demonstrate achievement of at least one of the circular product reports listed below. No more than four products can come from one category of criteria below. Products that satisfy more than one criterion cannot be double counted.
 - a. Supply Chain Circularity
 - b. Zero Waste Manufacturing
 - c. Designed for Circularity
 - d. Closed Loop products.

(34) Water-Managed Wall Assembly

- i. Flashing at bottom of exterior walls with weep holes included for masonry veneer and weep screed for stucco cladding systems, or equivalent drainage system.
- ii. Fully sealed continuous drainage plane behind exterior cladding that laps over flashing and fully sealed at all penetrations. Additional bond-break drainage plane layer provided behind all stucco and non-structural masonry cladding wall assemblies.
- iii. Window and door openings fully flashed.

(35) Water-Managed Roof Assembly

- i. Step and kick-out flashing at all roof-wall intersections, extending greater than or equal to ($\geq$) four inches (4") on wall surface above roof deck and integrated shingle-style with drainage plane above; boot / collar flashing at all roof penetrations.
- ii. For homes that don't have a slab-on-grade foundation and do have expansive or collapsible soils, gutters & downspouts provided that empty to lateral piping that discharges water on sloping final grade greater than or equal to five feet ($\geq$ 5 ft.) from foundation, or to underground catchment system not connected to the foundation drain system that discharges water greater than or equal to ten feet ($\geq$ 10 ft.) from foundation. See Footnote for alternatives & exemptions.
- iii. Self-adhering polymer-modified bituminous membrane at all valleys & roof deck penetrations.
- iv. In 2009 IECC Climate Zones 5 & higher, self-adhering polymer-modified bituminous membrane over sheathing at eaves from the edge of the roof line to greater than two feet ($>$ 2 ft.) up roof deck from the interior plane of the exterior wall.

(36) Water-Managed Building Materials

- i. Wall-to-wall carpet not installed within two and a half feet (2.5 ft.) of toilets, tubs, and showers.
- ii. Cement board or equivalent moisture-resistant backing material installed on all walls behind tub and shower enclosures composed of tile or panel assemblies with caulked joints. Paper-faced backerboard shall not be used.

- iii. In Warm-Humid climates, Class 1 vapor retarders not installed on the interior side of air permeable insulation in above-grade walls, except at shower and tub walls. Building materials with visible signs of water damage or mold not installed or allowed to remain.
 - iv. Framing members & insulation products having high moisture content not enclosed (e.g., with drywall).
 - v. For each condensate-producing HVAC component, corrosion-resistant drain pan (e.g., galvanized steel, plastic) included that it drains to a conspicuous point of disposal in case of blockage. Backflow prevention valve included if connected to a shared drainage system.
- (37) Lighting Controls for shared multi-occupant spaces (applies to small scale development only)
- i. Provide multizone control systems that enable occupants to adjust the lighting to suit their needs, with at least three lighting levels or scenes (on, off, midlevel). Midlevel is thirty percent (30%) to seventy percent (70%) of the maximum illumination level (not including daylight contributions).
- (38) Water Shutoff Devices. Provide Lever-style Clothes Washer shutoffs, water Sensors/Shutoff system and armored/metal hoses from service to all fixtures and appliances.
- (39) Kitchen Exhaust units. Kitchen exhaust units and/or range hoods are ducted directly to the outdoors and have a minimum ventilation rate of 100cfm for intermittent operation and 25 cubic foot a meter (“ cfm”) for continuous operation.
- (40) Implement Biophilic design features Indoors:
- i. Include at least five (5) distinct design strategies related to biophilic design that addresses at least two (2) for each of the following criteria based on Terrapin Bright Green LLC’s Fourteen (14) Patterns of Biophilic Design publication:
 - ii. Nature in the Space: Plants, Water, Breeze, Scents, Sun Light, Shadows, Animals.
 - iii. Natural Analogues: Materials, Patterns, Objects, Colors, Shapes, Façade Ornamentation, Décor and Furniture.
 - iv. Nature of the Space: Prospect, Refuge, Mystery, Risk/Peril.
 - v. Submit a Biophilia Design narrative at time of building permit.

- (41) Daylighting. Implement daylight measures by demonstrating that fifty-five percent (55%) of the regularly occupied spaces illuminance levels are between three hundred (300) lux and three thousand (3,000) lux at both 9 a.m. and 3 p.m.
- (42) Quality Exterior Views. Provide occupants with direct access to a view to the outdoors for seventy-five percent (75%) of the regularly occupied floor area through glass with a visible light transmittance (VLT) above forty percent (40%) and include a view to nature, urban landmarks, art, or other objects at least twenty-five (25) feet from the exterior of the glazing.

Sec 206-90 - Conflicts – Florida Building Code.

- (A) In the case of a conflict between the Florida Building Code and this Article, the Florida Building Code shall prevail.

* * *

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

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☐ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: _____

Date Rec'd: 01/10/24

Petition No.: TX-002-24

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

The City's DRC process requires a hard copy of the application and application fee payment to be submitted to City Planning staff BEFORE electronic submittal will be accepted for processing. Applications will only be accepted on the submittal date identified on the annual DRC Meeting Deadline schedule. The application must identify the number of proposed residential dwelling units and/or the square footage of commercial/industrial use, as applicable. Once the application and fee are received a file number will be issued which must be used to identify the project when submitting electronically. Once the file number is issued, the applicant has 24 hours to load the plans electronically. Failure to submit within 24 hours will require the application to begin again the following month.

Location Address: 100 W Dania Beach Blvd

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) City of Dania Beach

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: City of Dania Beach

Address of Property Owner: 100 W Dania Beach Blvd

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Text Amendment to include Green Building Designs

Please provide proposed **Plat Name** & **Criteria Statement** as required by the City's **Land Development Code**.

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: [Signature]
(Owner / Agent signature*)

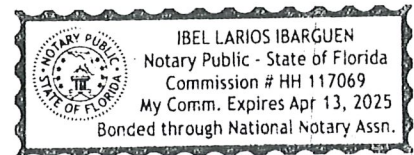
BEFORE ME THIS 10th DAY OF January, 2024

By:

Eleanor Norena.
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of Florida.)



Personally known X or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director

SUBJECT: LU-013-23: City initiated small-scale Future Land Use Map Amendment (FLUM) to modify the land use designation of two (2) sites recently annexed into the City of Dania Beach (SECOND READING).

Request:

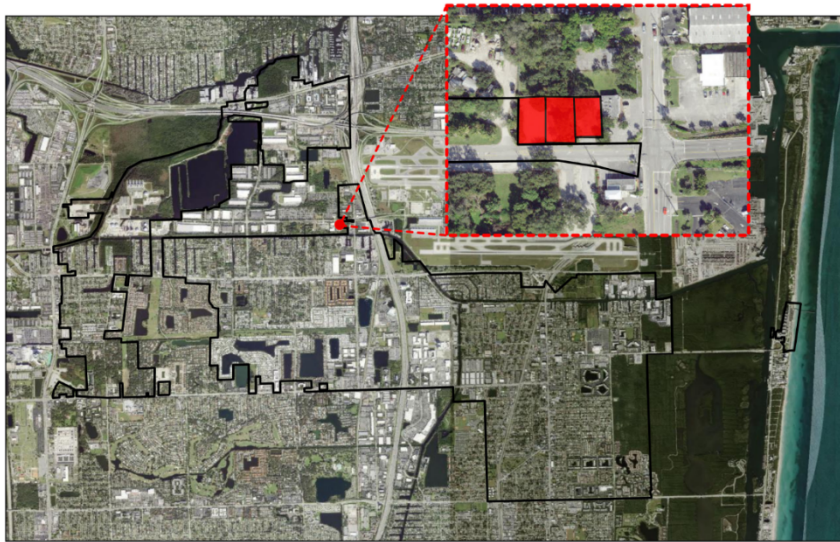
A FLUM amendment to modify the land use designation of two (2) sites recently annexed into the City.

Background:

The City initiated small-scale Future Land Use Map Amendment (FLUM) to modify the current land use designation of two (2) sites recently annexed. The first site known as Academy Bus, contains three (3) parcels located between Ravenswood Road and SW 22nd Avenue North of SW 42nd Street and are approximately a total of 0.51 acres. The City is proposing to change the Future Land Use designation from Broward County Commerce category to the City's Industrial category. The second site, known as FDOT right of way, is an approximately 0.204-acre parcel located on N. Beach Road. The City is proposing to amend the Future Land Use designation from the City of Hollywood of Open Space and Recreation category to the City's Parks And Recreation Future Land Use designation category.

Subject Site 1 (Academy Bus)

On January 13, 2023, the Broward Legislative Delegation held a hearing and approved the voluntary annexation for three (3) parcels located between Ravenswood and SW 42nd Street (Tax Folio(s): 5042 2908 0050, 5042 2908 0060, and 5042 2908 0070) shown on the location map below. The annexation became effective on September 15, 2023.



The subject site (Academy Bus) contains three (3) parcels for a total of approximately 0.51 acres, and currently has a Future Land Use designation of Commerce, which is a Broward County Future Land Use Designation. Due to the recent annexation, the City is proposing to amend this designation to an Industrial Future Land Use designation.

The property is in the process of a Future Land Use Amendment from Transportation (Broward County Land Use Designation) to Industrial (City of Dania Beach Land Use Designation). The designation of a Commercial Land Use would be incompatible with the location of the property which is west of the Fort Lauderdale/Hollywood International Airport. In addition, all of the adjacent properties have an Industrial Future Land Use designation. Designating the subject properties to Commercial would be inconsistent with the surrounding designation as well as the location of the property.

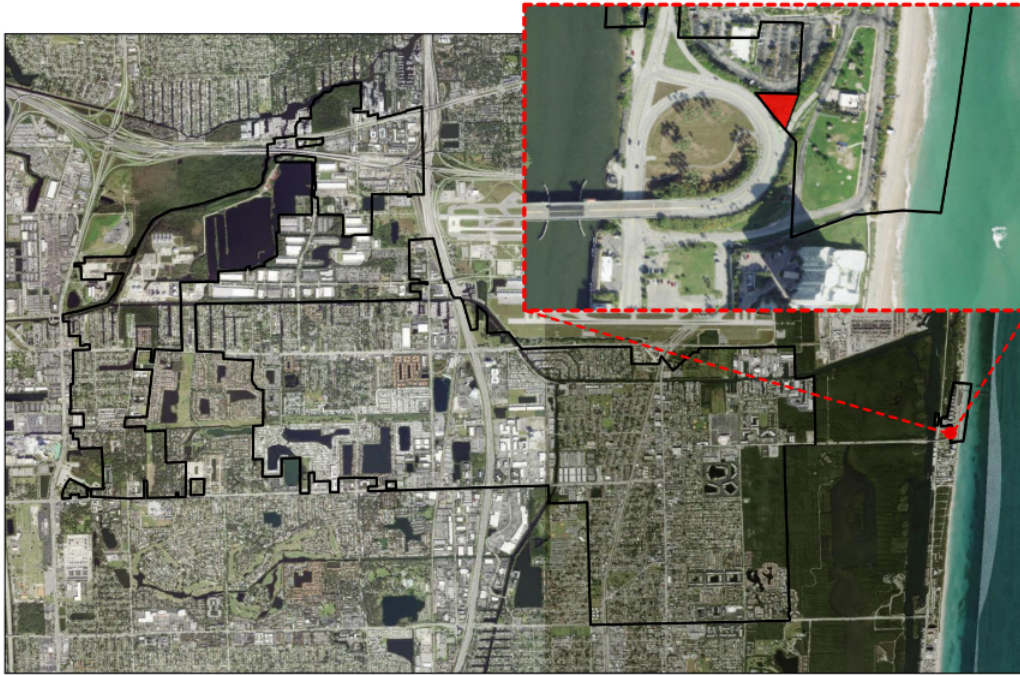
The requested Rezoning designation of IROM-AA is compatible with the Future Land Use Map amendment currently in progress. The property currently has an Industrial zoning of M-2 and is requesting a City of Dania Beach Industrial zoning due to recently being annexed into the city. Rezoning the subject properties to a Commercial zoning district would be changing an Industrial property to Commercial and would result in a conflict between the Zoning and Land Use designation of the property as well as a conflict with the predominate character of the area.

The use of a Bus Depot is only permitted under General Commercial (C-4) zoning. The proposed use of the subject property under IROM-AA zoning as an 'Office, Professional' is a permitted use with 'Overnight fleet parking for vehicles owned or leased by the business legally operating at the same location' allowed as an accessory use. C-4 zoning district is not compatible with the area as it will interfere with the consistency of Industrial Future Land Use and Zoning of the surrounding parcels. The IROM-AA zoning district is compatible with the subject site, meeting both state and county designations while also creating compatible zoning districts in the area. Academy Bus will utilize the existing structure on the lot to operate as an office. The headquarters of Academy Bus is also currently located across the street at 4160 Ravenswood Road.

There is a neighboring property located at 4161 SW 22 Avenue which has a Single-Family Residential 6000 zoning designation. This property is non-conforming due to the Future Land Use designation of the property, which is Industrial.

Subject Site 2 (FDOT ROW)

On April 25, 2023, the City Commission adopted Ordinance No. 2023-003, an interlocal service boundary agreement with the City of Hollywood and Broward County to annex a portion of a property located on East Dania Beach Boulevard (Tax Folio: 514201023240) shown in the location map below.



The subject property is owned by the Florida Department of Transportation (FDOT). The City annexed the property with the intent of repurposing the portions of the property for a public parking garage. The subject property is approximately 0.204 acres and has a Future Land Use Designation of Open Space and Recreation which is a City of Hollywood designation. The proposed map amendment would change the current Future Land Use to the City's designation of Parks and Recreation.

Both FLUM amendments are consistent with the Broward County Future Land Use Plan (BCLUP). After the City Commission adoption of the FLUM amendments, the City will submit a recertification package for formal review to the Broward County Planning Council for map recertification.

Per Chapter 163.3187 of the Florida Statutes (F.S.), the proposed map amendments are considered a small-scale map amendment.

On February 21, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency will hear this item. Their recommendation will be presented at the City Commission meeting.

On February 27, 2024, the City Commission approved this item on first reading.

Budgetary Impact

This application is necessary to allow future development of each location.

Recommendation

The Community Development Department recommends the City Commission approve the subject Ordinance on second and final reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF DANIA BEACH FUTURE LAND USE MAP AS A SMALL-SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ON PROPERTY LOCATED BETWEEN RAVENSWOOD ROAD AND SW 22ND AVENUE NORTH OF SW 42ND STREET, AS LEGALLY DESCRIBED IN EXHIBIT “A”, WHICH CONSISTS OF APPROXIMATELY 0.51 ACRES, CHANGING THE CURRENT FUTURE LAND USE DESIGNATION FROM (BROWARD COUNTY) COMMERCE CATEGORY TO (CITY) INDUSTRIAL CATEGORY; AND CHANGING THE FUTURE LAND USE DESIGNATION FROM (CITY OF HOLLYWOOD) RECREATION AND OPEN SPACE CATEGORY TO (CITY) PARKS AND RECREATION CATEGORY ON PROPERTY AS LEGALLY DESCRIBED IN EXHIBIT “B”, WHICH CONSISTS OF APPROXIMATELY 0.204 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application was filed by City of Dania Beach (Applicant) in which the city seeks small scale Future Land Use Map amendment of the two properties identified below, both of which properties were annexed into the City of Dania Beach in 2023; and

WHEREAS, the City of Dania Beach seeks to designate a Future Land Use Designation for the property annexed into the City in September 15, 2023, pursuant to Broward Legislative Delegation, which is located between Ravenswood Road and SW 22nd Avenue north of SW 42nd Street, as legally described in Exhibit “A” which consists of approximately 0.51 acres, by changing the current Future Land Use (FLUM) Designation from (Broward County) Commerce Category to (City) Industrial FLUM Category; and

WHEREAS, the City seeks to designate a Future Land use Designation for the property annexed into the City on April 25, 2023, pursuant to City Ordinance 2023-003, from City of Hollywood FLUM designation “Recreation And Open Space” Category to the City of Dania Beach’s FLUM “Parks And Recreation” FLUM Category, for the property legally described in Exhibit “B”, which consists of approximately 0.204 acres; and

WHEREAS, the small scale FLUM designation application was heard and considered before the City Commission of the City of Dania Beach and at a duly scheduled public hearing all objections, if any, were heard.

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

Section 1. That the foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. This application coming before the City Commission pursuant to an application filed by City of Dania Beach, and in accordance with the Florida Statutes, a Public Hearing having been held by the Planning & Zoning Board, as the Land Planning Agency, on December 20th, 2024; and the City Commission shall hold two public hearings on the FLUM amendment; and the City Commission hereby acknowledges and approves the application submitted by City of Dania Beach, the Dania Beach Future Land Use Map is hereby amended to change the Future Land Use designation from current Broward County Commerce category the City's Industrial FLUM category, and from current City of Hollywood Recreation and Open Space category to the City's Parks and Recreation category on property legally described as follows:

See attached *Exhibit "A"* and *"B."*

Section 3. 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 4. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 5. That this ordinance shall take effect 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

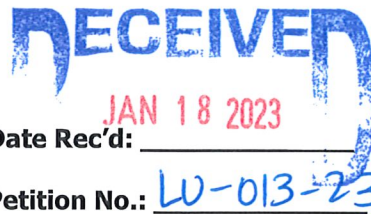
EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☒ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: _____



Date Rec'd: _____

Petition No.: LW-013-23

☐ Other: _____ (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

The City's DRC process requires a hard copy of the application and application fee payment to be submitted to City Planning staff BEFORE electronic submittal will be accepted for processing. Applications will only be accepted on the submittal date identified on the annual DRC Meeting Deadline schedule. The application must identify the number of proposed residential dwelling units and/or the square footage of commercial/industrial use, as applicable. Once the application and fee are received a file number will be issued which must be used to identify the project when submitting electronically. Once the file number is issued, the applicant has 24 hours to load the plans electronically. Failure to submit within 24 hours will require the application to begin again the following month.

Location Address: Approximately E. Dania Beach Blvd between 45-320 N Beach Road & N Ocean Drive

Lot(s): pts 7-9, all of 10 Block: 202 Subdivision: Hollywood Central Beach also being part of FDOT parcel 124

Recorded Plat Name: Hollywood Central Beach (4-20); RW Map B2, PG 11, and RW Map B1, PG 44

Folio Number(s): 514201023240 Legal Description: See attached annexation legal.

Applicant/Consultant/Legal Representative (**circle one**) Calvin, Giordano & Associates, Inc.

Address of Applicant: 1800 Eller Drive, Suite 600, Ft. Lauderdale, FL 33316

Business Telephone: 954-766-2786 Home: _____ Fax: 954-921-8807

E-mail address: Jhickey@cgasolutions.com

Name of Property Owner: Florida Department of Transportation-Office of Right of Way

Address of Property Owner: 3400 West Commercial Blvd. Ft. Lauderdale, FL 33309-3421

Business Telephone: 954-777-4090 Home: _____ Fax: _____

Explanation of Request: Assign Future Land Use designation to newly annexed land

*Please provide proposed **Plat Name** & **Criteria Statement** as required by the City's **Land Development Code**.*

Prop. Net Acreage: 0.204 Gross Acreage: 0.204 Prop. Square Footage: site 8,886 +/-

Existing Use: FDOT RW lease parking area Proposed Use: Same

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: Candido M.
(Owner / Agent signature*)

Acting City Manager

BEFORE ME THIS 18 DAY OF January, 2023

By:

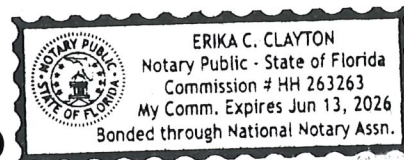
Erika C. Clayton

(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Erika C. Clayton

(Signature of Notary Public – State of Florida)



Personally known ☒ or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☐ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance

Date Rec'd: _____

Petition No.: _____

☒ Other: FLUM Amend (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

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Location Address: W. Side of Ravenswood Rd, N. of SW 42 St

Lot(s): 5, 6, 7 Block: 1 Subdivision: Ravenswood Park (30-31)

Recorded Plat Name: Ravenswood Park (30-31)

Folio Number(s): 5042-2908-0070
0060-0050 Legal Description: _____

Applicant/Consultant/Legal Representative (circle one) _____

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: Franmar Properties of S. Florida LLC

Address of Property Owner: 111 Paterson Ave, Hoboken NJ 07030

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Future Land Use Map Change due to Annexation
Please provide proposed **Plat Name & Criteria Statement** as required by the City's **Land Development Code**.

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: _____
(Owner / Agent signature*)

BEFORE ME THIS 15th DAY OF February, 2024

By: Donna Sisk Blake
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Donna Sisk Blake
(Signature of Notary Public – State of NJ)

DONNA SISK BLAKE
NOTARY PUBLIC OF NEW JERSEY
Commission # 50026332
My Commission Expires 10/30/2025

Personally known ☒ or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

**ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.**



City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director

SUBJECT: LU-013-22: The applicant, the City of Dania Beach, requests an amendment to the Future Land Use Element of the City's Comprehensive Plan providing additional dwelling units and revised commercial use within the Regional Activity Center (SECOND READING).

Request:

To amend the Future Land Use Element of the City's Comprehensive Plan to add 4,000 dwelling units and reduce commercial use by 130 acres within the Regional Activity Center (RAC).

Background:

The City is requesting an amendment to the Future Land Use Element of the City's Comprehensive Plan to add 4,000 residential dwelling units to the City's RAC which was established in 2010. The amendment will affect only the area located within the RAC, which contains approximately 1,344 acres and is generally located east of I-95, between Griffin Road and Sheridan Street. The RAC designation will remain the same. The applicant proposes to amend the mix of uses to reduce the commercial category by thirty (30) acres and add 4,000 dwelling units consisting of 317 single-family /duplex units and 3,683 multi-family units.

DANIA BEACH Regional Activity Center

Use	Current Allocations	Proposed Amendment
Residential (du's)	7,818 du's consisting of: 2,348 Single-family	+ 4,000 du's:

	2,165 High-rise	
	2,047 Townhouses	
	972 Garden Apt	
	286 Duplexes	+317 Single-Family/duplexes
		+3,683 Multi-Family
Hotel	640 rooms	No change
Commercial	294 acres plus 500 ksf	- 30 acres
Industrial	247.5 acres	No change
Employment Center	74.5 acres	No change
Community Facilities	36.2 acres	No change
Parks & Rec (min.)	40.5 acres	No change
Transportation	6.5 acres	No change
Conservation (min.)	2.6 acres	No change
Utilities	2.5 acres	No change

The proposed amendment in uses will help the City adjust to development that has occurred within the RAC, as well as changing conditions anticipated to occur within the community. The successful implementation of the RAC, originally established in 2010, has resulted in major development such as Dania Pointe, Spirit Airlines, multiple hotels that have been developed along US1, and many high-rise residential developments occurring along Dania Beach Boulevard and in the City's downtown center. This amendment will facilitate the continued evolution of the RAC and will ensure a variety of housing types and an appropriate mix of uses are available so the City can continue to thrive and evolve as a vibrant, transit-supportive, mixed-use urban center. The RAC is also coterminous with the City's CRA limits. Development within the RAC will implement the CRA and its mission to revitalize and improve the quality of life for the community.

The Amendment was transmitted to the Broward County Planning Council and State Review agencies. During that review, revisions were added to the amendment as outlined below:

- Added "duplexes" to the permitted 317 single-family dwelling unit category.
- Added "high" to the permitted 2,165 mid-rise apartments category.
- Added text that at least 600 (15%) of the additional 4,000 units will be affordable at the moderate-income level or below, and that the provision of at least 300 of the affordable units must demonstrated prior to site plan approval of unit 2,001 of the 4,000 additional units.
- Goals, objectives, and policies that were added to the City's Comprehensive Plan in support of the RAC will be maintained except for policy 27.19 which limits units/density east of US1. That policy and text is proposed to be amended for a maximum of an additional 1,500 dwelling units.
- The City remains committed to policy 27.14 regarding day-night average sound levels (DNLs) of 60 decibels or greater. It is understood that Broward County is also revisiting this policy.

Broward County Resilient Environment Department (BCRED) issued comments related to Priority Planning Areas, climate change, sea level rise and flood protection. The City and its consultants coordinated extensively on these matters and successfully addressed BCRED's

comments by outlining the City's commitment to resilient planning efforts and approving Resolution 2023-039:

Resolution No. 2023-039 – Unanimously approved by the City of Dania Beach City Commission on April 25, 2023. The Resolution:

- Recognizes the 2019 Unified Sea Level Rise Projections and recognizes Section 380.093 F.S. that requires the use of 2040 and 2070 and NOAA Intermediate Low and Intermediate High for state-funded vulnerability assessments. The City has a grant to perform a vulnerability assessment and that effort is ongoing.
- Recognizes the County's Priority Planning Areas.
- Agrees to include the above projections in the ongoing City's Stormwater Master Plan.
- Acknowledges upcoming work in the City's Comprehensive Plan Evaluation and Appraisal Report process to address Section 163.3178, F.S. related to the "Peril of Flood" Amendments.
- Adopts a city-wide "interim design standard" for new construction projects in accordance with existing stormwater regulations incorporating future groundwater conditions into the pre-development vs. post-development.
- Requires upon completion of the Stormwater Master Plan, a final updated standard is to be recommended and brought to the Commission.

Additionally, two technical assistance comments were received from FDOT District IV. The City and its consultants met with FDOT and prepared the attached response dated November 3, 2023, which was provided to FDOT and Broward County.

Recognizing potential traffic concerns in the City and the region, the proposed change in commercial and residential uses was established in a manner that will mitigate changes in trip generation that might result from the amendment. The analysis indicates a net reduction of approximately 279 trips resulting from the proposed amendment.

On February 6, 2024, the Broward County Board of County Commissioners approved the application with the following conditions:

- Amend the existing Education Mitigation Agreement to include the anticipated students from the additional proposed 4,000 dwelling units, if necessary;
- Implement sea level rise and flood protection mitigation strategies;
- Restrict 15% of the additional proposed dwelling units (at least 600) as affordable housing units at the "moderate-income" level or below (up to 120% of median income) for a minimum of 30 years; and
- Maintain the City's commitment to not allow newly permitted residential dwelling units within the 60+ DNL contour within the Activity Center.

Effectiveness of the approval of the Land Use Plan Amendment shall not occur until after the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of the Declaration of Restrictive Covenants to legally enforce any voluntary commitments proffered by the applicant, as inducement for Broward County to favorably consider this application.

The conditions of approval must be addressed before the Broward County Planning Council can

recertify the City's Future Land Use Element and release the dwelling units for assignment. Staff is currently working the Broward County School Board to amend the existing Education Mitigation Agreement.

Community Development staff have had multiple actions in preparation of this amendment prior to the start of public hearings, as indicated below.

- September 8, 2021 – City Commission Workshop discussing the status of the remaining RAC units.
- October 26, 2021 – City Commission selected a Planning Consultant to prepare the Comprehensive Plan amendment to replenish RAC units.
- January 28, 2022 – Hybrid Workshop with City Commission to discuss the status of the remaining RAC units and possible modifications.
- February 9, 2022 – Hybrid Community Outreach Meeting

While this amendment is for the replenishment of 4,000 dwelling units in the RAC, staff is proposing the following gate-keeping measures.

- The City will only allocate 1,000 dwelling units at a time. Meaning after each 1,000 residential units have been allocated, the City Commission must approve the release of the next 1,000 units.
- Community Development staff to provide a RAC unit report in each site plan application identifying the existing number of dwelling units available, the amount of dwelling units requested and the remaining number of dwelling units if the project is approved.

Budgetary Impact

Approval of this request will enable continued residential development to occur with the redevelopment area of the City, identified as the Regional Activity Center. New residential development will result in new property tax collections, collection of additional RAC transportation fees, collection additional park impact fees and additional public art fees.

Recommendation

PLANNING AND ZONING BOARD RECOMMENDATION

On February 16, 2022, the Planning and Zoning Board, acting as the Local Planning Agency, recommended to approve the amendment 4:1 (voted to approve by Robertson, Jones, Hankerson, Popescu; voted to deny Thomas).

CITY COMMISSION – Transmittal Public Hearing.

On April 22, 2022, the City Commission voted 3-2 to transmit the Amendment to the Broward County and State Review Agencies.

STAFF RECOMMENDATION

Community Development Department Staff recommend approval of the ordinance amending the Future Land Use Element of the City's Comprehensive Plan on second and final reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE DANIA BEACH COMPREHENSIVE PLAN TO AMEND THE REGIONAL ACTIVITY CENTER (“RAC”) LAND USE CLASSIFICATION AS DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS ORDINANCE, BY REDUCING ACREAGE FOR COMMERCIAL AND INCREASING RESIDENTIAL USES; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AND STATE AGENCIES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; REQUESTING RECERTIFICATION FROM THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, City of Dania Beach, has made an application (LU-013-22) to amend the City of Dania Beach Future Land Use Plan Text for the Regional Activity Center (RAC), in order to facilitate the continued redevelopment of the RAC; and

WHEREAS, the applicant has indicated that adding up to 4,000 dwelling units and reducing commercial land use by 30 acres, described in Exhibit “A”, will help facilitate the continued redevelopment of the Community Redevelopment Area (CRA) and the RAC.

WHEREAS, the proposed changes will further the goals of the CRA and RAC.; and

WHEREAS, the City Commission desires to approve such application.

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

Section 1. That the above “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That the Future Land Use Element of the City’s Comprehensive Plan is amended as described below:

**CITY OF DANIA BEACH COMPREHENSIVE PLAN
FUTURE LAND USE ELEMENT**

III. ANALYSIS REQUIREMENTS

C. Land Requirements

1. Permitted Uses for the City of Dania Beach Land Use Plan

u. Regional Activity Center

The intent of the Regional Activity Center land use designation is to encourage attractive and functional mixed living, working, shopping, education and recreational activities in the Dania Beach Community Redevelopment Area. The development of the Regional Activity Center shall be guided by the Community Redevelopment Agency's Redevelopment Plan and policies hereunder.

Dania Beach Regional Activity Center land use designation – density and intensity specifications.

Land Uses: Maximum Intensity (unless otherwise indicated)

Residential*:	2,348 single family homes 286 duplexes 2,047 townhomes 972 garden apartments 2,165 mid rise apartments <u>317 single family homes/duplex homes</u> <u>3,683 multi family units</u>
Commercial:	2964.0 acres plus an additional 500,000 s.f. of commercial floor area approved with the former LAC.
Industrial:	247.5 acres
Employment Center:	74.5 acres
Transportation:	6.5 acres
Hotel:	640 rooms
Community Facilities:	36.2 acres (or as needed)
Parks & Recreation:	40.5 acres (minimum)
Conservation:	2.6 acres (minimum)
Utilities:	2.5 acres (or as needed)

*Dwelling units for any given category (ex: single-family, townhouse, etc.) maybe substituted for dwelling units of another category provided that the substitution results in the same or lesser student generation rates.

Policy 27.19 The residential density within Traffic Evacuation Zone 16 (east of US-1) shall not exceed a maximum of 1,500 dwellings units above the residential density previously allowed within Traffic Evacuation Zone 16 before the adoption of the RAC land use category. The boundaries of Traffic Evacuation Zone 16 are shown in Broward County's Hurricane Evacuation Study, 2001.

Section 3. That the associated Planning & Zoning Division Staff Report prepared for application LU-013-22 is hereby incorporated into this ordinance as findings of fact.

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 all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 6. That staff shall submit this amendment to the Broward County Planning Council for a concurrent text amendment to the Broward County Land Use Plan.

Section 7. That this Ordinance shall take effect immediately at the time of its passage. However, this plan amendment shall not become effective until the conclusion of the process and time frames set out in Section 163.3187(3)(a) of the Florida Statutes and re-certification by the Broward County Planning Council.

Section 8. During the period of time that the City Commission and Broward County is considering a text amendment to the City's Comprehensive Plan to authorize additional RAC units, no permit(s) or development order(s) of any kind shall be issued for these proposed new RAC units. No applications for or queue for the proposed units shall be authorized. The City shall not accept "pending" applications for the proposed additional RAC units. Applications will

be accepted only after the City Commission finally enacted, after second reading of this Ordinance, and after the last act identified in Section 11, below, occurs.

Section 9. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 10. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. That this Ordinance shall be effective after the later of the following events:
(a) final execution of an agreement with Broward County School Board regarding impact fees for student stations; and (b) final ratification by the Broward County Planning Council.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

EXHIBIT A
TEXT AMENDMENT

Dania Beach Regional Activity Center

Dania Beach Regional Activity Center land use designation – density and intensity specifications.

Land Uses: Maximum Intensity (unless otherwise indicated)

Residential*:	2,348 single family homes 286 duplexes 2,047 townhomes 972 garden apartments 2,165 mid rise apartments 317 single family homes 3,683 multi family units
Commercial:	264.0 acres plus an additional 500,000 s.f. of commercial floor area approved with the former LAC.
Industrial:	247.5 acres
Employment Center:	74.5 acres
Transportation:	6.5 acres
Hotel:	640 rooms
Community Facilities:	36.2 acres (or as needed)
Parks & Recreation:	40.5 acres (minimum)
Conservation:	2.6 acres (minimum)
Utilities:	2.5 acres (or as needed)

*Dwelling units for any given category (ex: single-family, townhouse, etc.) maybe substituted for dwelling units of another category provided that the substitution results in the same or lesser student generation rates.

Policy 27.19 The residential density within Traffic Evacuation Zone 16 (east of US-1) shall not exceed a maximum of 1,500 dwellings units above the residential density previously allowed within Traffic Evacuation Zone 16 before the adoption of the RAC land use category. The boundaries of Traffic Evacuation Zone 16 are shown in Broward County's Hurricane Evacuation Study, 2001.

DANIA BEACH REGIONAL ACTIVITY CENTER (RAC)

Application for Amendment to the
City of Dania Beach
And Broward County Land Use Plans

Text Amendment

February 9, 2022

Revised May 2022

Revised September 7, 2023

Prepared By:

**Leigh Robinson Kerr
& Associates, Inc.**

• Planning • Zoning • Land Use • Expert Testimony •
808 East Las Olas Boulevard, Suite 104, Fort Lauderdale, FL 33301
Phone: (954) 467-6308 Fax: (954) 467-6309
Lkerr808@bellsouth.net
Established 1985

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EXHIBITS

Location Map	A
Text Amendment	B

1. TRANSMITTAL INFORMATION

- A. Letter of transmittal from municipal mayor or manager documenting that the local government took action by motion, resolution or ordinance to transmit a proposed amendment to the Broward County Land Use Plan. Please attach a copy of the referenced motion, resolution or ordinance. The local government's action to transmit must include a recommendation of approval, denial or modification regarding the proposed amendment to the Broward County Land Use Plan.

To be provided.

- B. Name, title, address, telephone, facsimile number and email of the local government contact person.

**Corinne LaJoie, AICP
Assistant Director, Community Development
City of Dania Beach
100 W. Dania Beach Boulevard
Dania Beach, FL 33004
Phone: 954-924-6800 x 3704
clajoie@daniabeachfl.org**

- C. Summary minutes from both the local planning agency and local and the local government public hearings of the transmittal of the Broward County Land Use Plan amendment

Local Planning Agency Minutes of February 16,2022 provided under separate cover. City Commission minutes to be provided upon receipt.

- D. Whether the amendment is one of the following:
- *Development of Regional Impact
 - *Small scale development activity (per Chapter 163.3187 Florida Statutes)
 - *Emergency (please describe on separate page)

None of the above.

2. APPLICANT INFORMATION

- A. Name, title, address, telephone, facsimile number and email of the applicant.

**City of Dania Beach
100 W. Dania Beach Boulevard
Dania Beach, FL 33004
Phone: 954-924-6800 x 3704
clajoie@daniabeachfl.org**

- B. Name, title, address, telephone, facsimile number and email of the agent.

Application prepared by Leigh Robinson Kerr & Associates, Inc., planning consultants on behalf of the City of Dania Beach.

**Leigh R. Kerr, AICP
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Blvd. #104
Fort Lauderdale, FL 33301
Ph: 954-467-6308
Email: Lkerr808@bellsouth.net**

- C. Name, title, address, telephone, facsimile number and email of the property owner(s).

Multiple. The subject text amendment will apply to the entire RAC land use category which consists of +/- 1,344 acres.

- D. Applicant's rationale for the amendment. The Planning Council requests a condensed version for inclusion in the staff report (about two paragraphs). Planning Council staff may accept greater than two paragraphs, if submitted in an electronic format.

The amendment area is the Dania Beach Regional Activity Center (RAC) which contains approximately 1,344 acres and is generally located east of I-95, between Griffin Road and Sheridan Street.

The subject area will remain designated RAC. The applicant proposes to amend the mix of uses to reduce the commercial category by thirty (30) acres and add 4,000 dwelling units consisting of 317 single-family ~~homes/duplexes~~ ~~units~~ and 3,683 multi-family units. Refer to Table 1: Current and Proposed Uses. The original RAC established in 2009 did not

propose any additional units above what was permitted under the existing future land uses at that time.

The proposed change in uses will help the City adjust to development that has occurred within the RAC, as well as changing conditions anticipated to occur within the community. The successful implementation of the RAC, originally established in 2009, has resulted in Dania Pointe, a +/- 100-acre mixed-use development consisting of 1 million+ sf of commercial, 1,000,000 sf office, 400 hotel rooms, and 1,400 dwelling units. Spirit Airlines recently developed an office complex within the Dania Beach RAC, multiple hotels have been developed along US1, and high-rise residential developments have occurred along Dania Beach Boulevard. The proposed amendment will facilitate the continued evolution of the RAC and will ensure that an appropriate mix of uses are available so that it can continue to thrive and evolve as a vibrant, transit-supportive, mixed-use urban center. The RAC is also coterminous with the City's CRA limits. Development within the RAC will implement the CRA and its mission to revitalize and improve the quality of life for the community.

An amendment to the RAC occurred in 2010 to increase commercial and employment center uses. No dwelling units were added at that time. Only +/- 600 units are presently available of the 7,818 units currently permitted in the RAC. The City continues to see interest in RAC units which may rapidly outpace the number of units available for (re)development. The additional 4,000 units requested will help the RAC meet the demand and continue to evolve. Additionally, a 15% set aside for affordable housing is proposed which will also help the city meet demands for affordable housing.

Goals, objectives and policies that were added to the City's Comprehensive Plan in support of the RAC will be maintained except for policy 27.19 which limits units/density east of US1. That policy and text is proposed to be amended for an additional 1,500 dwelling units. The City remains committed to ensuring compliance ~~with Policy 27.21 of the comprehensive plan regarding the availability of water supplies to serve new development, and also to~~ policy 27.14 regarding day-night average sound levels (DNLs) of 65 decibels or greater. It is understood that Broward County is also revisiting this policy. Policy 27.21 is stricken because the City recently adopted its Water Supply Facilities Work Plan which accounts for the additional proposed 4,000 RAC units.

Recognizing potential traffic concerns in the City and the region, the proposed change in commercial and residential uses was established in

a manner that will mitigate changes in trip generation that might result from the amendment. The analysis indicates a net reduction of +/-279 trips resulting from the change in uses.

Existing neighborhoods will continue to be protected through the City's Land Development Regulations. Development activity within the RAC district will be developed in accordance with the City's Land Development Regulations, which ensure compatibility through appropriate setbacks and buffers between uses.

3. AMENDMENT SITE DESCRIPTION

- A. Concise written description of the general boundaries and gross acreage (as defined by BCLUP) of the proposed amendment.

The amendment area is the Dania Beach Regional Activity Center (RAC) which contains approximately 1,344 acres and is generally located east of I-95, between Griffin Road and Sheridan Street. The RAC is also coterminous with the City's CRA limits.

- B. Sealed survey, including legal description of the area proposed to be amended.

N/A. This is a text amendment. The site boundaries and description have not changed since the RAC was originally adopted.

- C. Map at a scale clearly indicating the amendment's location, boundaries and proposed land uses.

Please see Exhibit A: Location Map.

4. EXISTING AND PROPOSED USES

- A. Current and proposed local and Broward County Land Use Plan designation(s) for the amendment site. If multiple land use designations, describe gross acreage within each designation. For Activity Center amendments, the proposed text indicating the maximum residential and non-residential uses must be included.

The site is designated Regional Activity Center (RAC) on the City land use plan and Activity Center on the County land use plan. The current and proposed uses are outlined in the below table.

TABLE 1 CURRENT AND PROPOSED LAND USE DANIA BEACH RAC			
Use	Current	Proposed	Net Change
Residential (du's)	7,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes	11,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes 317 Single-family homes/duplexes 3,683 Multi-family	+ 4,000 du's: +317 Single-Family homes/duplexes +3,683 Multi-Family
Hotel	640 rooms	640 rooms	No change
Commercial	294 acres plus 500 ksf	264 acres plus 500 ksf	- 30 acres
Industrial	247.5 acres	247.5 acres	No change
Employment Center	74.5 acres	74.5 acres	No change
Community Facilities	36.2 acres	36.2 acres	No change
Parks & Rec (min.)	40.5 acres	40.5 acres	No change
Transportation	6.5 acres	6.5 acres	No change
Conservation (min.)	2.6 acres	2.6 acres	No change
Utilities	2.5 acres	2.5 acres	No change

The proposed text change is attached as Exhibit B: Text Amendment.

- B. Indicate if the flexibility provisions of the Broward County Land Use Plan have been used for adjacent areas.

Flexibility provisions have not been used for adjacent areas.

- C. Existing use of amendment site and adjacent areas.

The subject area consists of multiple uses as provided for in the RAC permitted uses. Adjacent areas consist of multiple uses including single-family and multi-family residential, retail, conservation, community facility, transportation, and industrial.

The City of Hollywood is located adjacent to the south and a portion of the west and east of the subject area.

- D. Proposed use of the amendment site including proposed square footage (for analytical purposes only) for each non-residential use and/or dwelling unit count. For Activity Center amendments, also provide each existing square footage for each non-residential use and existing dwelling unit count within the amendment area.

TABLE 2 PROPOSED USES DANIA BEACH RAC	
Use	Proposed
Residential (du's)	11,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes 317 Single-family <u>homes/duplexes</u> 3,683 Multi-family
Hotel	640 rooms
Commercial	264 acres plus 500 ksf
Industrial	247.5 acres
Employment Center	74.5 acres
Community Facilities	36.2 acres
Parks & Rec (min.)	40.5 acres
Transportation	6.5 acres
Conservation (min.)	2.6 acres
Utilities	2.5 acres

- E. Maximum allowable development per adopted and certified municipal land use plans under existing designation for the site, including square footage/floor area ratio/lot coverage/height limitations for each non-residential use and/or dwelling unit count.

TABLE 3 CURRENT MAXIMUM ALLOWABLE DEVELOPMENT DANIA BEACH RAC	
Use	Current
Residential (du's)	7,818 du's consisting of: 2,348 Single-family 2,165 high-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes
Hotel	640 rooms
Commercial	294 acres plus 500 ksf
Industrial	247.5 acres
Employment Center	74.5 acres
Community Facilities	36.2 acres
Parks & Rec (min.)	40.5 acres
Transportation	6.5 acres
Conservation (min.)	2.6 acres
Utilities	2.5 acres

5. ANALYSIS OF PUBLIC FACILITIES AND SERVICES

The items below must be addressed to determine the impact of an amendment on existing and planned public facilities and services. Provide calculations for each public facility and/or service. If more than one amendment is submitted, calculations must be prepared on an individual and cumulative basis.

The following impact calculations analyze only the net change in uses. A summary of impacts is provided below.

SERVICE DEMAND SUMMARY TABLE (NET CHANGE)			
Facility Demand ¹	Current	Proposed	Change
Potable Water (gallons/day)	130,680 gpd	323,775 gpd	+193,095 gpd
Sanitary Sewer (gallons/day)	130,680 gpd	1,015,850 gpd	+885,170 gpd
Solid Waste (lbs/day)	34,848 lbs	35,600 lbs	+752 lbs
Parks & Rec (acres)	0 acres	24.9 acres	+24.9 Acres
Traffic (trips/day)	2,656 Trips	2,377 Trips	-279 Trips

A. Potable Water Analysis

1. Provide the potable water level of service per the adopted certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The subject site is within the City's Water & Wastewater Services service area. The City is in the process of updating its Water Supply Plan, which indicates the City's level of service standard is 135 gpcd or less. The previous water supply amendments were adopted into the City's Comprehensive Plan on October 26, 2010. The Broward County Water Supply Facilities Plan was adopted on April 21, 2020. The City is incorporating components of the City's Water Use Permit issued in April, 2022 into the Water Supply Plan to finalize that document.

2. Potable Water Capacity/Demand
 - a. Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and finding sources.

TABLE 4 CURRENT PLANT CAPACITY & DEMAND – POTABLE WATER	
Current Plant Capacity	5.04 MGD
Current + Committed Plant Demand ¹	2.364 MGD
SFWMD Permitted Withdrawal <u>Through 2023</u> <u>BCWWS + 1.3 MGD City Allocation²</u>	<u>3.0 MGD</u>
<u>2023-2042</u> <u>BCWWS 1.58 MGD</u> <u>C51 1.0 MGD</u> <u>City Wells 1.3 MGD</u>	<u>3.88 MGD</u> 2.68 MGD
Planned Expansions	None

¹Public Utility Management & Planning Services, Inc. (City consultant)

²SFWMD Permit #06-00187-W Issued 4/5/2022. Also refer below:

Source: Public Utility Management & Planning Services, Inc. (City Consultant)

The SWFMD issued permit modification #06-00187-W on April 5, 2022 with an expiration date of April 5, 2042. As of 2018, the Broward County Water and Wastewater Services - South Regional Wellfield (BCWWS-SRW) has provided all of the City's raw water demand, (approximately 3 million gallons per day (MGD)). In order to achieve this, 0.31 MGD of the City's SAS allocation was transferred to the BCWWS-SRW. After 2023, the amount of bulk raw water provided by the BCWWS-SRW will be reduced to 1.58 MGD. In order to meet the balance of their demands, the City will withdraw up to 1.3 MGD from one existing City well and one proposed horizontal well. The City has entered into an agreement with Palm Beach Aggregates for 1.0 MGD of C-51 Reservoir, Phase 1 water to off-set withdrawals from BCWWS-SRW that are to be delivered to the City, resulting in a total of up to 2.58 MGD of raw water delivered from BCCWS-SRW for a maximum available raw water capacity of 3.88 MGD in the year 2042. The C51 reservoir delivery date is June 2023.

- b. Identify the wellfield serving the area in which the amendment is located including the SFWMD permitted withdrawal and expiration date of the SFWMD permit.

The City's wellfields, C51 reservoir and Broward County South Regional wellfield serve the amendment area. The SWFMD

issued permit modification #06-00187-W to the City on April 5, 2022 with an expiration date of April 5, 2042. The Broward County South Regional Wellfield (BCSRW) CUP #06-01474-W was issued March 2018, successfully modified July 10, 2019. The City's wellfields G and I, C51 reservoir and Broward County South Regional wellfield serve the amendment area. The current SFWMD permit expiration date is 3/11/2033.

<u>Wellfield</u>	<u>Permitted Withdrawal</u>	<u>Permit Valid</u>
<u>City Wells</u>	<u>1.3 MGD</u>	<u>4/2022-4/2042</u>
<u>BCSRW ¹:</u>		
<u>Temporary 5-Year Allocation</u>	<u>3.02 MGD</u>	<u>3/2018-3/2023</u>
<u>Base Condition Allocation</u>	<u>1.58 MGD</u>	<u>3/2018-3/2038</u>
<u>C-51 Offset Allocation</u>	<u>1.00 MGD</u>	<u>3/2023-</u>
<u>Total SR Wellfield Allocation</u>	<u>2.58 MGD</u>	<u>12/2065</u>
<u>C51 Allotments Under Agreements</u>	<u>1.00 MGD</u>	

- Identify the net impact on potable water demand, based on adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per s.f. or d.u.

TABLE 5 POTABLE WATER IMPACT (NET CHANGE)			
USE	DENSITY/INTENSITY	RATE	TOTAL
Current			
Commercial	30 ac (1,306,800 sf)	x 0.1 gpd/sf ¹	130,680 GPD
Proposed			
Single family/ <u>duplex</u>	317 units	x 150 GPD/unit	47,550 GPD
Multi family	3683 units	x 75 GPD/unit	<u>276,225 GPD</u>
			323,775 GPD
Net Change			+ 193,095 GPD

¹SF: 435,600 Commercial and 871,200 Office

- Correspondence from potable water provider verifying the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

See Attachment I and below:

Dincer Ozaydin
Public Services Deputy Director
City of Dania Beach
1201 Stirling Road
Dania Beach, FL 33005
Phone: 954-924-6800 x 3617
E-Mail: dozaydin@daniabeachfl.gov

City Consultant:
Frederick Bloetscher, Ph.D., P.E., President
Public Utility Management and Planning Service, Inc.
P.O. Box 221890
Hollywood, FL 33022
Email: h2o_man@bellsouth.net

B. Sanitary Sewer Analysis

1. Provide the sanitary sewer adopted level of service per the adopted and certified local land use plan

The City of Dania Beach presently contracts with the City of Hollywood for wastewater treatment. The level of service in the City of Hollywood is 315 gallons per day per Equivalent Residential Connection (City of Hollywood WWTP).

2. Identify the sanitary sewer facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant , and planned plant capacity expansions, including year and funding sources.

TABLE 6 SANITARY SEWER DEMAND AND CAPACITY Hollywood Wastewater Treatment Plant	
Plant Capacity	48.75 <u>55.50</u> MGD ¹
Current + Committed Demand	40.36 + 1.679 = 42.03 <u>41.965 + 3.443 = 45.408</u> MGD ²
Planned Plant Capacity	60.00 <u>55.50</u>
Year/Funding Sources	2012, Water & Sewer Fund
Source: ¹ Broward County Wastewater Treatment Plant Flow Calculations ; ² City of Hollywood Comp Plan <u>City of Hollywood correspondence 4/1/2022</u>	

Per discussion with the City's Public Utilities Department, an Infiltration & Inflow (I&I) Plan is planned. The City of Dania Beach

currently has a task order from a consultant to oversee an inflow reduction and infiltration identification for sewer lines. Once the task order is approved, the City will be able to diagnose problem areas, which is expected to occur before the end of this year. Once the City receives the report, they will budget the construction activity for the next fiscal year. The construction start date will be determined by the budget availability and the procurement rules and regulations. Prior efforts in this regard were able to substantially reduce flow volumes and the same is expected for the current effort.

3. Identify the net impact on sanitary sewer demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot* or dwelling unit.

TABLE 7 SANITARY SEWER IMPACT (NET CHANGE)			
USE	DENSITY/INTENSITY	RATE	TOTAL
Current			
Commercial	30 ac (1,306,800 sf)	x 0.1 gpd/sf ¹	130,680 GPD
Proposed			
Single family/ <u>duplex</u>	317 units	x 300 GPD/unit	95,100 GPD
Multi family	3683 units	x 250 GPD/unit	<u>920,750 GPD</u>
			1,015,850 GPD
Net Change			+ 885,170 GPD
¹ SF: 435,600 Commercial and 871,200 Office Source: City of Hollywood Comprehensive Plan			

4. Correspondence from sewer provider verifying information submitted as part of the application on items 1-3. Correspondence must contain name, position and contact information of party providing verification.

See Attachment II and below:

Alicia Vereas-Feria, CFM
Engineer
City of Hollywood, Florida
Department of Public Utilities
Engineering & Construction Services

2600 Hollywood Blvd, Room 308
 Hollywood, FL 33022
 Phone: (954)921-3302
 AVEREA-FERIA@hollywoodfl.org

City Consultant:
Frederick Bloetscher, Ph.D., P.E., President
Public Utility Management and Planning Service, Inc.
P.O. Box 221890
Hollywood, FL 33022
Email: h2o_man@bellsouth.net

C. **Solid Waste**

1. Provide the solid waste level of service per the adopted and certified local land use plan.

Facility Type	Generation Per Day
Residential	8.9 lbs. per unit
Factory/Warehouse	2 lbs. per 100 square feet
Office buildings	1 lb. per 100 square feet
Retail/service	4 lbs. per 100 square feet
Supermarket	9 lbs. per 100 square feet
Grade School	10 lbs per room & ¼ lb. per pupil
High School	8 lbs. per room and ¼ lb. per pupil
Hospital	8 lbs. per bed
Nursing Home	3 lbs. per person
Hotel/motel	3 lbs. per room

2. Identify the solid waste facility serving the service area in which the amendment is located including the landfill/plant capacity, current and committed demand on landfill/plant capacity, and planned landfill/plant capacity.

The City solid waste collection and disposal is handled by the Waste Management and disposed of at the Broward County landfill.

TABLE 8 SOLID WASTE FACILITIES
Facility Name - Broward County Landfill
Capacity - 4.823 million tons/yr at BC Facility (698,236 tons/yr at Resource Recovery Facility)
Current Demand – 570,000 tons

Planned Capacity – 570,000 tons
--

3. Identify the net impact on solid waste demand, based on the adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per square foot or dwelling unit.

TABLE 9 SOLID WASTE IMPACT (NET CHANGE)			
USE	DENSITY/INTENSITY	RATE	TOTAL
Current			
Commercial	30 ac (1,306,800 sf) ¹ : 435,600 Comm 871,200 Office	x 4 Lbs/day/100 sf x 2 Lbs/day/100 sf	17,424 Lbs/day <u>17,424 Lbs/day</u> 34,848 Lbs/day
Proposed			
Single family <u>duplex</u>	317 units	x 8.9 Lbs/day/unit	2,821 Lbs/day
Multi family	3683 units	x 8.9 Lbs/day/unit	<u>32,779 Lbs/day</u> 35,600 Lbs/day
Net Change			+ 752 Lbs/day

¹SF: 435,600 Commercial and 871,200 Office

4. Correspondence from the solid waste provider verifying that capacity is available to serve the amendment area the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

See Attachment III.

Name:	Stephanie Gallitano
Title:	Market Sales Manager
Agency:	Waste Management
Contact	sgallitano@wm.com

D. Drainage Analysis

1. Provide the drainage level of service per the adopted and certified local land use plan.

- **Private Property:** retain property and dispose of ½ inch of storm runoff during any five minute period.
 - **Buildings:** To have the lowest floor elevation no lower than the elevation for the respective area depicted on the National Flood Insurance Rate Map (FIRM) by Federal Emergency Management Agency (FEMA) for flood hazard areas based on 100 year flood elevation plus 1 foot.
2. Identify the drainage district and drainage systems serving the amendment area.

~~South Florida Water Management District and Broward County Environmental Engineering and Permitting Division.~~

There is no local drainage district. The City of Dania Beach is the local provider responsible for assuring proper drainage is installed on all new projects.

The primary drainage system of the City of Dania Beach, as well as Broward County, is controlled by the canal and pump system of the South Florida Water Management District (SFWMD). Drainage systems primarily consist of storm sewers, exfiltration trench systems and onsite retention/detention systems. Retention/detention systems consists of Wet which retains or detains storm water in lakes and which retains or detains storm water in areas that are normally dry.

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

There are no specific drainage projects within the RAC planned at this time. If developments involving multiple units are proposed, individual drainage system will be required as per County does. Drainage improvements will be completed at time of construction, as needed.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site. Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

Not applicable – there are no current Surface Water Management permits needs or permits in progress. Permits will be obtained as needed by developers for their projects.

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrated how the site will be drained and the impact on the surrounding properties. The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage for proposed water management retention area, elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Development within the subject area shall meet the requirements of the City of Dania Beach, SFWMD and Broward County. After development of the site and consistent with the drainage standards of the City, County and SFWMD, the subject area will meet the adopted level of service.

6. Correspondence from local drainage district verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

See Attachment IV: Drainage Correspondence and below:

Susan Juncosa
Broward County Water and Wastewater Services
Water Management Division
2555 W. Copans Road
Pompano Beach, FL 33069
Email: sjuncosa@broward.org
Dincer Ozaydin
Dania Beach Public Services
1201 Stirling Road
Dania Beach, FL 33004
Ph: 954-924-6808 x 3617 Email: dozaydin@daniabeachfl.gov

City Consultant:
Frederick Bloetscher, Ph.D., P.E., President

Public Utility Management and Planning Service, Inc.
P.O. Box 221890
Hollywood, FL 33022
Email: h2o_man@bellsouth.net

E. Recreation and Open Space Analysis

1. Provide the recreation and open space level of service per the adopted and certified local land use plan.

The adopted level of service for recreation and open space is 3 acres per one thousand residents.

2. For amendments which will result in an increased demand for “community parks” acreage, as required by the Broward County Land Use Plan, an up-to-date inventory of the municipal community parks inventory must be submitted.

See Attachment V: Dania Beach Parks Inventory. The City meets the adopted level of service.

3. Identify the net impact on demand for “community parks” acreage, as defined by the Broward County Land Use Plan, resulting from this amendment.

TABLE 10 PARK IMPACT (NET CHANGE)			
USE	DENSITY/ INTENSITY	RATE	TOTAL
Current			
Commercial	30 ac (1,306,800 sf ¹)	N/A	N/A
Proposed			
Single family/ <u>duplex</u>	317 units	x 3 ppl/unit x .003 ac	2.9 acres
Multi family	3683 units	x 2 ppl/unit x .003 ac	<u>22.0 acres</u> 24.9 acres
Net Change			+ 24.9 acres

¹SF: 435,600 Commercial and 871,200 Office

**Estimated Number per Gross Acre of Persons per
Residential Land Area Dwelling Unit**

From 0 up to 1 3.3
Over 1 up to 5 3.0

Over 5 up to 10	2.5
Over 10 up to 16	2.0
Over 16 up to 25	1.8
Over 25 up to 50	1.5

(Source: Broward County Land Development Code)

4. Identify the projected “community parks” acreage needs. Based on the local government’s projected build-out population.

Please see Attachment V – Inventory of Local Parks. The City meets the level of service for parks and recreation through 2045.

5. As applicable, describe how the local government and/or applicant are addressing Broward County Land Use Plan Policies 2.5.4 and 2.5.5 (a. through e.), regarding the provision of open space.

The subject area does not include any golf courses.

F. Traffic Circulation Analysis

Please be advised, if required, that the Planning Council staff will request from MPO, as per Policy 2.14.6 of the BCLUP, an analysis of the impacts of the amendment to the regional transportation network. The MPO will charge a separate cost-recovery fee directly to applicants for technical assistance requested by the BCPC for the preparation and review of the LUPA transportation analysis. Please contact the MPO for additional information regarding fee.

1. Identify the roadways impacted by the proposed amendment and indicate the number of lanes, current traffic volumes, adopted level of service and current level of service for each roadway.

TABLE 11 EXISTING ROADWAY CONDITIONS (2019¹)							
ROADWAYS	LANES	AADT			Peak Hour		
		Volume	Capacity	LOS	Volume	Capacity	LOS
NORTH-SOUTH							
RAVENSWOOD RD							
N of Stirling Rd	2	17600	13320	F	1672	1197	F
N of Griffin Rd	2	7300	13320	D	694	1197	D
BRYAN RD							
N of Stirling Rd	2	6400	13320	C	608	1197	D
I-95							
N of Sheridan St	10	251000	194500	E	23845	16840	F
N of Stirling Rd	10	217500	194500	E	20663	16840	F
N of Griffin Rd	10	213000	194500	E	20235	16840	F
DIXIE HWY/21 AVE							

N of Sheridan St	4	2650	29160	C	252	2628	C
N of Phippen Rd	2	2650	13320	C	252	1197	C
US1/FEDERAL HWY							
N of Sheridan St	4	31500	32400	D	2993	2920	E
N of Stirling Rd	4	42500	32400	F	4038	2920	F
N of Griffin Rd	6	35500	59900	C	3373	5390	C
EAST-WEST							
SHERIDAN ST							
E of Dixie Hwy	4	27500	39800	C	2613	3580	C
E of US1	4	23500	39800	C	2233	3580	C
STIRLING RD							
E of I95	6	36500	59900	C	3468	5390	C
DANIA BCH BLVD							
E of US1	4	19900	39800	C	1891	3580	C
E of NE 2 Ave	6	9300	59900	C	884	5390	C
E of Gulfstream Rd	4	9300	39800	C	3580	3580	C
GRIFFIN RD							
E of I95	6	35500	59900	C	3373	5390	C

¹ Source: MPO Roadway Level of Service Analysis '19/'40;

- Identify the projected LOS for the roadways impacted by proposed amendment for the long range planning horizon. Utilize avg. daily and p.m. peak hour traffic volumes per MPO plans and projections.

TABLE 12 PROJECTED ROADWAY CONDITIONS, LONG –TERM (2040 ¹)							
ROADWAYS	LANES	AADT			Peak Hour		
		Volume	Capacity	LOS	Volume	Capacity	LOS
NORTH-SOUTH							
RAVENSWOOD RD							
N of Stirling Rd	4	46100	29160	F	4380	2628	F
N of Griffin Rd	4	18600	29160	D	1787	2628	D
BRYAN RD							
N of Stirling Rd	2	9000	13320	D	855	1197	D
I-95							
N of Sheridan St	12	403000	256600	F	38285	22030	F
N of Stirling Rd	12	407400	256600	F	38703	22030	F
N of Griffin Rd	12	391400	256600	F	37183	22030	F
DIXIE HWY/21 AVE							
N of Sheridan St	4	11200	29160	C	1064	2628	C
N of Phippen Rd	2	8900	13320	D	846	1197	D
US1/FEDERAL HWY							
N of Sheridan St	4	43000	32400	F	4085	2920	F
N of Stirling Rd	4	57100	32400	F	5425	2920	F
N of Griffin Rd	6	58900	59900	D	5596	5390	F
EAST-WEST							
SHERIDAN ST							
E of Dixie Hwy	6	30700	59900	C	2917	5390	C
E of US1	4	24200	39800	C	2299	3580	C

STIRLING RD E of I95	6	45300	59900	C	4304	5390	C
DANIA BCH BLVD E of US1	4	41500	39800	F	3943	3580	F
E of NE 2 Ave	6	35000	59900	C	3325	5390	C
E of Gulfstream Rd	4	25500	39800	C	2423	3580	C
GRIFFIN RD E of I95	6	61700	59900	F	5862	5390	F

¹ Source: MPO Roadway Level of Service Analysis '19/'40;

- Planning Council staff will analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for this amendment - calculate anticipated average daily and p.m. peak hour traffic generation for the existing and proposed land use designations. If the amendment reflects a net increase in traffic generation, identify access points to/from the amendment site and provide a distribution of the additional traffic on the impacted roadway network for the long range planning horizon.

TABLE 13 TRAFFIC IMPACT (NET CHANGE)			
USE	DENSITY/ INTENSITY	ITE	PM PEAK
Current			
Commercial	30 acres (FAR 1.0) 1/3 Retail (ITE 820) 14,520/Ac 2/3 Office (ITE 710) 29,040/Ac	820 710	1,655 trips <u>1,001 trips</u> 2,656 trips
Proposed			
Single family/ <u>duplex</u>	317 units: 0.99 (ITE210) x 317 du	210	314 trips
Multi family	3,683 units: 0.56 (ITE 220) x 3,683 du	220	<u>2063 trips</u> 2,377 trips
Net Change			-279 trips
¹ SF: 435,600 Commercial (ITE 820) and 871,200 Office (ITE 720)			

- Provide any relevant transportation studies relating to this amendment, as applicable.

Complete Streets

The MPO Complete Streets Master Plan identifies the below programmed and proposed projects within the RAC:

Roadway	Limits	Length (Miles)	Recommendations	Type	Road Ownership
Bryan Rd	Stirling Rd to Old Griffin Rd	0.78	Continuous pedestrian zone (sidewalk gaps), conventional bicycle lanes, pedestrian lighting	Proposed Project	County
Dixie Hwy	Sheridan St to US 1	0.72	Conventional bicycle lanes, continuous pedestrian zone (sidewalk gaps), furnishing zone, utilize SW 4 for bicycle/pedestrian improvement from Sheridan St to SW 13 St	Proposed Project	County
Old Griffin Rd	Bryan Rd to US 1	0.79	N/A	Programmed Project	County
US 1	Dixie Hwy to Old Griffin Rd	1.25	Green color bicycle lanes, continuous pedestrian zone (sidewalk gaps), furnishing zone	Proposed Project	State

Source: CSMP Bundle H Fact Sheet

Transportation Improvement Program (TIP) (FY 2021-2025)

The TIP lists funded projects in five year increments and is updated annually with the latest being FY21-25. The below scheduled projects occur within the RAC:

ID	Location	Description	Funding Year
4455261	N 22 nd /SW 12 th Ave from Sheridan St to Stirling Rd	Bike Lane/Sidewalk	2025
4435941	SR5/US1	Over Dania Cutoff Canal Bridge	2021-22
4413791	SR848/Stirling Rd	Over C10 Canal Bridge	2021
4461981	SRA1A/Bania Bch Blvd from SR5/US1 to Gulfstream Rd	Resurfacing	'21-22, '24

2045 Metropolitan Transportation Plan (MTP) (FY 2021-2025)

The MTP lists projects with a reasonable expectation for funding through 2045 and also advances projects for the 5-year TIP. The

below scheduled projects occur within the RAC:

Location		Description
Sheridan Street	US1 to Dixie Hwy	Widen from 4 to 6 lanes

G. Mass Transit Analysis

1. Identify the mass transit modes, existing and planned mass transit routes and scheduled service (headway) serving the amendment area within one-quarter of a mile.

TABLE 14 MASS TRANSIT ROUTES			
Route	Coverage	Weekday Headways	Weekend Headways
1	US1	None	10/15 min.
Breeze (101)	US1	10/15 min.	None
4	Dania Beach Blvd/NW 1 st St/Griffin Rd	15/20 min. Peak 30 min.	Sat: 15 min. Sun: 15/25. Min
6	Ravenswood Rd/Stirling Rd	10/15 min.	Sat: 15 min. Sun: 15 min.
12	Dania Pier/A1A/Sheridan St	15/20 min.	Sat: 15/20 min. Sun: 15/20 min.
Community Shuttle East & West	City Hall, Oakwood, Airport Tri-Rail, Hardrock, Shopping	+/- 60-75 min.	Sat: +/- 60-75 min. Sun: None

2. Describe how the amendment furthers or supports mass transit use.

The subject site supports the utilization of mass transit by developing along and near roadways which are located within ¼ mile of mass transit services.

The RAC land use designation reflects a mixed-use development pattern more supportive of transit and internalized traffic patterns than traditional land use categories.

3. Correspondence from transit provider verifying the information submitted as part of the application on items 1-2 above. Correspondence must contain name, position and contact information of party providing verification.

See Attachment VI: Mass Transit Correspondence and below:

Name:	Daniel A. Manichello
Agency:	Broward County Transit Division
Position:	Service Planner
Email	dmanichello@broward.org
Address:	1 N. University Dr, Plantation FL 33324
Ph:	954-357-7713

H. PUBLIC EDUCATION ANALYSIS

Please be advised that the Planning Council staff will request from the Broward County School Board an analysis of the impacts of the amendment on public education facilities as indicated below. Please note that as per the School Board of Broward County Policy 1151, the applicant will be subject to a fee for the review of the application. The applicant is encouraged to contact the School Board staff to discuss these issues as soon as possible.

1. Public School Impact Application

Please see below analysis.

TABLE 15 SCHOOL ENROLLMENT/CAPACITY			
School	Benchmark Enrollment	Gross Capacity	Over + Under -
Elementary Schools			
Bethune, Mary M Elementary	416	1,217	-801
Collins Elementary	284	408	-124
Dania Elementary	360	626	-266
Middle Schools			
Oakridge Elementary	406	721	-315
Attucks Middle	924	1350	-426
Olsen Middle	743	1238	-495
High Schools			
Hollywood Hills High	1820	2667	-847
South Broward High	2204	2527	-323
Source: SBBC Planning Tool for Enrollment accessed			

TABLE 16 SCHOOL IMPACT				
		Elementary	Middle	High
Current				
Commercial	30 acres	N/A	N/A	N/A
Proposed				
Single family/duplex ¹	317 units	X 0.218 = 69	X 0.115 = 36	X 0.167 = 53
Multi family ²	3,683 units	X 0.142 = 523	X 0.056 = 206	X 0.102 = 376
CHANGE IN DEMAND		+592 Elementary	+242 Middle	+429 High
TOTAL CHANGE +1,263 STUDENTS				

¹Analysis utilizes most conservative student generation rate: Single family 4 or more BR.

²Analysis utilizes most conservative student generation rate: Townhouse 3 or more BR.

2. The associated fee in the form of a check made payable to the SBBC.

To be provided.

6. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated. Planning Council staff will request additional information from Broward County regarding the amendment's impact on natural and historic resources.

- A. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

A file search of the Florida Master Site File was requested which indicates site ID#BD00119 listed on the national register. The results are reflected in Attachment VII. The City of Dania Beach Comprehensive Plan contains policies aimed at historic preservation and the City has adopted a local Historic Preservation Ordinance, Article IX.

- B. Archaeological sites listed on the Florida Master Site File.

Attachment VII depicts Site ID #BD02904 as type “AR”. Policy 27.20 of the comprehensive plan addresses the protection and mitigation of archaeological artifacts.

- C. Wetlands

Some areas may contain wetlands. Prior to any ground disturbing activities, filling of surface waters or creating surface waters, the BC EPGMD must be contacted to determine if a license is required for the activity.

- D. Local Areas of Particular Concern as Identified within the Broward County Land Use Plan.

The proposed amendment area contains a portion of West Lake Park (Local Area of Particular Concern/Natural Resource Area #98 and Environmentally Sensitive Land Area #116). A portion of Site #116 corresponds to the parcel set aside as “Conservation” use. All of Site #116 located within the boundaries of the RAC is owned by Broward County or the State of Florida, and Site #98 is owned by Florida Power and Light. The City of Dania Beach’s Comprehensive Plan contains policies which protect such sites.

- E. Priority Planning Area map and Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

A review of the Priority Planning Area Map indicates portions of the Dania Beach RAC which is coterminous with the City’ CRA are located within a Priority Planning Area. These areas are primarily located in the northeast portion of the RAC which is primarily developed as single family and along parts of Dania Beach Blvd which is primarily developed with commercial uses.

The City of Dania Beach coordinated extensively with its consultants and Broward County’s Resilient Environment Department (RED) resulting in the adoption of Resolution 2023-039 incorporating regional sea level rise projections and County resilience standards within the City’s current and forthcoming planning efforts, with consideration for the need for future updates in response to future guidance, coupled with establishment of an interim design standard.

The City will continue to coordinate with the Broward County Environmental Resilience Department as needed to address Broward County policies related to Priority Planning Areas.

- F. “Endangered” or “threatened species” or “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

There are no known endangered or threatened species or species of special concern known to inhabit the subject area. If required, further analysis will be conducted on a site-by-site basis as (re)development occurs within the RAC. The City’s LDC already requires this assessment within Sec. 250-10 – Wildlife Protection Requirements.

- G. Plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

The applicant is not aware of any listed species on the site.

- H. Wellfields – Indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the protected zone and any provisions, which will be made to protect the wellfield

The subject site is located within a Wellfield Zone. Any development within the RAC must comply with Broward County’s Wellfield Protection Ordinance.

- I. Soils – Describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to mitigate the area’s natural features

Any site alterations that may be necessary will meet applicable government regulations.

- J. Beach Access – Indicate if the amendment is ocean-front. If so, describe how public beach access will be addressed.

The subject site is not ocean-front.

7. AFFORDABLE HOUSING

Describe how the local government is addressing Broward County Land Use Plan Policy 2.16.2, consistent with Article 5.

A 15%/30-year set aside of affordable units is proposed, for a total of 600 affordable dwelling units. ~~Appropriate documentation will be provided to Broward County.~~ Draft Restrictive Covenant is provided with this transmittal.

8. LAND USE COMPATIBILITY

Describe how the amendment is consistent with existing and planned future land uses in the area (including adjacent municipalities and/or county jurisdictions). Identify specific land development code provisions or other measures that have or will be utilized to ensure land use compatibility.

The subject area is, and will continue to be, designated RAC on the future land use map. The RAC permits a mix of complementary land use combinations that support a high quality live, work and play community for residents and businesses. The proposed RAC amendment does not introduce new uses but instead amends the density and intensity of uses already permitted within the RAC.

The site will be developed in accordance with the City's Land Development Regulations, which ensure compatibility through appropriate setbacks and buffers between uses.

9. HURRICANE EVACUATION ANALYSIS

(Required for amendments located in hurricane evacuation zone as identified by the Broward County Emergency Management Agency). Provide a hurricane evacuation analysis based on the proposed amendment, considering the number of permanent and seasonal residential d.u.'s (including special residential facilities) requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times. The hurricane evacuation analysis shall be based on the best available data/modeling techniques as identified by the Broward County Emergency Management Agency.

The eastern portion (east of US 1) of the amendment site is located in hurricane evacuation zone B. Attachment VIII outlines the City's hurricane evacuation procedures. A part of this application is amending the restriction on units east of US1 to permit a maximum of an additional 1,500 units east of US1. The City will coordinate with Broward County Emergency Management on appropriate

measures regarding evacuation clearance times as outlined in Attachment VIII.

10. REDEVELOPMENT ANALYSIS

Indicate if the amendment is located in an identified Redevelopment (i.e., Community Redevelopment Agency, Community Development Block Grant) area. If so, describe how the amendment will facilitate redevelopment and promote approved redevelopment plans.

The RAC is coterminous with the CRA. The proposed change in uses will help the City adjust to development that has occurred within the RAC, as well as changing conditions anticipated to occur within the community. Development within the RAC will implement the CRA and its mission to revitalize and improve the quality of life for the community. Policy 27.1 specifies that development within the RAC shall be guided by and consistent with the CRA Master Plan.

The demand for dwelling units in the RAC continues to grow. A robust residential component is essential to the success of a mixed-living area where residents can live, work and play. Additionally, a 15% set aside of affordable units is proposed, which furthers the CRA's goal of encouraging new development of housing and providing affordable housing alternatives.

11. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments. If so, please provide additional copies for the notification and/or review by adjacent local governments.

The City of Hollywood is adjacent to the amendment area.

12. DESCRIBE CONSISTENCY HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

The proposed amendment to approved RAC uses continues to be consistent with the below Highlighted Regional Issues and Policies of the BCLUP and the City of Dania Beach Comprehensive Plan:

A. HIGHLIGHTED REGIONAL ISSUES

1. Targeted Redevelopment Vision

- Strategy TR-1 Prioritize new development and redevelopment to existing and planned downtowns and major transit corridors and transit hubs.

- Broward County Land Use Plan amendments for appropriately located “activity center,” such as downtowns and transit corridors and hubs shall be given preference when considering new or redevelopment proposals.
 - Strategy TR-2: Support incentives to remove blight within Community Redevelopment Areas (CRA’s) and similar areas.
2. Multi-Modal Vision
- Strategy MM-2: Recognize and address the transportation and housing connection.
 - Promote and support redevelopment and mixed use opportunities within and along major transportation hubs and corridors;
3. World-Class Natural Resource Protection and Enhancement Vision
- STRATEGY EP-3: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.
 - Promote the use of alternative modes of transportation and alternative fuels to reduce the negative impacts of exhaust fumes on air quality.

B. POLICIES (SECTION 2 BCLUP)

The continued use of the subject area furthers Policies 2.4.1 through 2.4.20 of the BCLUP which address the establishment and requirements of the Activity Center land use category.

C. CITY OF DANIA BEACH COMPREHENSIVE PLAN

1. Future Land Use Element
- Policy 1.1 Provide for a mix of residential communities which will promote a diverse population and a healthy environment.
 - Policy 5. 1 Encourage development to enhance the tax base of the community
 - Objective XXVII - Encourage compact development reflecting characteristics which include a mixture of community-serving uses such as commercial, office, employment, civic, and institutional, recreation and open space, and residential, characterized by an efficient infrastructure, close-knit neighborhoods and sense of community, preservation of natural systems, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of a Regional Activity Center land use category.

Encourage attractive and functional mixed living, employment, shopping, education and recreational activities in the City of Dania Beach Community Redevelopment Area (CRA) by establishing within the Dania Beach Land Use Plan a Regional Activity Center.

- Policy 27.1 The development of the Regional Activity Center shall be guided by the Community Redevelopment Agency's Redevelopment Master Plan and consistent with all elements of this plan.
- Policy 27.2 The Dania Beach Regional Activity Center shall support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in the Dania Beach Regional Activity Center shall be directly accessed via pedestrian ways, and accessible to existing or future alternate public transportation modes, including bicycle and transit.
- Policy 27.3 Non-motorized transportation as well as mass transit shall be encouraged to serve the Dania Beach Regional Activity Center to reduce reliance upon automobile travel.
- Policy 27.4 Park land and/or open space that is accessible to the public shall be included as a functional component within the Dania Beach Regional Activity Center.
- Policy 27.5 To facilitate public transit access, integrated transportation systems shall be encouraged to serve the Dania Beach Regional Activity Center.
- Policy 27.6 Quality, Affordable Housing opportunities shall be included as a functional component within the Dania Beach Regional Activity Center.
- Policy 27.7 To enhance pedestrian movement and safety, the separation of pedestrian and vehicular traffic shall be encouraged within the Dania Beach Regional Activity Center.
- Policy 27.8 Encourage affordable housing opportunities within the Dania Beach Regional Activity Center through various mechanisms such as the utilization of "affordable housing units." The direction of public housing program funds into the Regional Activity Center, reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in

increasing the affordable housing stock.

- Policy 27.9 The Regional Activity Center shall be governed by land development regulations that provide for an interconnected street network, a safe and attractive pedestrian environment, multi-modal transit connections, and transit-supportive densities and intensities along transit corridors.
- Policy 27.10 The city shall adopt local design guidelines that require transit shelters in the Regional Activity Center to provide safe and comfortable service and to encourage transit usage.
- Policy 27.11 The City shall adopt design standards within the land development regulations ensuring compatibility between existing and planned land uses within and adjacent to the Regional Activity Center.
- Policy 27.12 To enhance pedestrian/non-motorized activities and transportation connectivity, the Regional Activity Center shall integrate open space that is accessible to the public in the form of wide, continuous sidewalks with shade and pedestrian amenities, mid-block pedestrian crossings, and public plazas.
- Policy 27.13 Pursuant to an interlocal agreement between the City and Broward County, the City is responsible for monitoring development activity and enforcing the permitted land use densities and intensities.
- Policy 27.14 The City shall not allocate additional residential units within the area of the Regional Activity Center that has a Day-Night Average Sound Level (DNL) of 65 decibels or greater.
- Policy 27.15 In order to ensure that all properties can be developed within the overall density and intensity limitations of the Regional Activity Center, the City shall establish and implement a development tracking system.
- Policy 27.16 The maximum intensity standards for nonresidential development in the Regional Activity Center are as follows:
 1. All properties located within one-quarter mile of both the FEC Rail Corridor (proposed for commuter rail) and US-1 are permitted a maximum Floor-to-Area Ratio (FAR) of 8.0.
 2. All properties not located pursuant to 1., above, but located within 750 feet of the US-1 or East Dania Beach Boulevard transit corridors are permitted a maximum FAR of 5.0.

3. All other locations are permitted a maximum FAR of 0.75.
4. Twenty (20) acres of Employment Center use shall be limited to a FAR of 0.29 regardless of location, pursuant to DCA Amendment No. 10-1 AR.
5. Thirty (30) acres of Commercial shall be limited to a FAR of 0.52 regardless of location, pursuant to DCA Amendment No. 10- 1AR.

- Policy 27.17 Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the proportion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A).
- Policy 27.18 Floor to Area Ratios shall be calculated using the total gross acreage (on -site and off -site) used to comply with any combination of parking, drainage, or open space requirements for a development project.
- Policy 27.19 The residential density within Traffic Evacuation Zone 16 (east of US-1) shall not exceed a maximum 1,500 dwelling units above the residential density previously allowed within Traffic Evacuation Zone 16 before the adoption of the RAC land use category. The boundaries of Traffic Evacuation Zone 16 are shown in Broward County's Hurricane Evacuation Study, 2001.
- Policy 27.20 In the event of discovery of any archaeological artifacts during the construction of the RAC, construction shall stop within a thirty-foot radius of the find and immediate notification shall be provided to the Broward County Historical Commission: the Division of Historical Resources, Florida Department of State; and the City/Town. Construction may resume within the affected area after the City/town, and the Broward County Historical Commission, pursuant to 92-38 of the Broward County Code of Ordinances; and the Division of Historical Resources, pursuant to Rule 9J-2.043, FAC, have determined the appropriate mitigation, if any are warranted, and such measures have been implemented by Developer.

- Policy 27.21 Prior to issuance of any building permit of development, the City will consult with the appropriate water supplier to ensure that adequate water supplies to serve the new development will be available no later than the anticipated date of the certificate of occupancy. Any determination that adequate water supplies will be available will require the demonstration that a consumptive use permit has been issued to the City with sufficient allocation available to serve the new development, given all other existing commitments for that allocation. The "sufficient allocation" in the CUP shall be defined consistent with the permit's limiting conditions as they exist at the time of building permit issuance. Permitted projects may be issued a Certificate of Occupancy only upon demonstration by the City that adequate water supply exists within the City's current legal allocation.

2. Housing Element

- Policy 11.6 Promote mixed-use development that provides an array of housing types along transit corridors, including the establishment of a Local Activity Center (LAC) future land use designation, the development of mixed use zoning districts, and the allocation of flex units to mixed-use projects.

3. Transportation Element

- Objective I – On an annual basis, through planning and land use regulation, the City shall continue to protect, maintain and improve the functional relationship between the multi-modal transportation system and the future land use map to ensure that the transportation system is convenient and meets the needs of existing and future residents and land use patterns.

13. ADDITIONAL SUPPORT DOCUMENTS

- A. Other support documents or summary of support documents on which the proposed amendment is based.

None at this time.

- B. Any proposed voluntary mitigation or draft agreements.

Not applicable.

14. PLAN AMENDMENT COPIES

- A. 3 hard copies and 10 digital copies (13 total) for the BCPC (Please include additional copies if amendment site is adjacent to other municipalities and/or county jurisdictions). Additional copies may be requested by the Planning Council Executive Director after the initial application submittal.

To be provided with transmittal.

- B. If requesting concurrent transmittal to DEO, 1 hard and 10 digital (11 total) copies, as required by DEO, of corresponding local land use plan amendment application, include transmittal letter from municipality to DEO.

To be provided with transmittal.

ATTACHMENTS

Potable Water Correspondence	I
Sanitary Sewer Correspondence	II
Solid Waste Correspondence	III
Drainage Correspondence	IV
Inventory of Local Parks	V
Mass Transit Correspondence	VI
Florida Master Site File Search	VII
Hurricane Evacuation	VIII
Draft AFU Restrictive Covenant	IX

ATTACHMENT I

Potable Water Correspondence

From: h2o_man@bellsouth.net
To: lkerr808@bellsouth.net; Kray808@bellsouth.net; ["Quintero, John"](#)
Cc: ["Rodriguez, Fernando J.";](#) ["Norena, Eleanor";](#) ["Dicer Akin Azaydin. P. E. /Dania Beach P. W. Director"](#)
Subject: My thoughts on RAC documents
Date: Thursday, May 12, 2022 10:21:12 AM
Attachments: [L-Sewer_Hllywd_Rev.doc](#)
[L- Drainage_DOZaydin.doc](#)
[L-Water_rev.doc](#)

Hi All

Here are my comments

Fred

From: h2o_man@bellsouth.net
To: Kray808@bellsouth.net
Cc: lkerr808@bellsouth.net
Subject: FW: Dania RAC
Date: Friday, May 6, 2022 2:17:04 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[L- Drainage_DOZaydin.pdf](#)
[L-Water_rev.pdf](#)
[L-Sewer_Hllywd_Rev.pdf](#)
[Response_Drainage.pdf](#)
[Response_Drainage_Heilman.pdf](#)
Importance: High

Hi Kelly

Can you send me these in WORD?

THx

Fred

From: Ozaydin, Dincer A. <dozaydin@daniabeachfl.gov>
Sent: Friday, May 6, 2022 12:20 PM
To: Frederick Bloetscher <h2o_man@bellsouth.net>
Cc: Rodriguez, Fernando J. <frodriguez@daniabeachfl.gov>; Donnelly, Colin <cdonnelly@daniabeachfl.gov>; Quintero, John <jquintero@daniabeachfl.gov>
Subject: FW: Dania RAC
Importance: High

Hi Fred,

Please take a look at the attached documents below and let me know if you have any comments by Monday.

Thank you so much



Dincer Akin Ozaydin, P.E., G.C.
Public Services Deputy Director/City Engineer | City of Dania Beach

dozaydin@daniabeachfl.gov | daniabeachfl.gov

1201 Stirling Road | Dania Beach, FL, 33004

Phone: [954-924-6800](tel:954-924-6800) x3617



Web: daniabeachfl.gov | App: [AskDaniaBeach](#)
RISE - Respect, Integrity, Standard of Excellence

Please note: Florida has a very broad public records law. Most written communications to or from City Officials regarding City business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: lkerr808@bellsouth.net <>

Sent: Friday, May 6, 2022 11:55 AM

To: Ozaydin, Dincer A. <dozaydin@daniabeachfl.gov>

Cc: Lajoie, Corinne <clajoie@daniabeachfl.gov>; Norena, Eleanor <enorena@daniabeachfl.gov>; kray808@bellsouth.net; Leigh R. Kerr <lkerr808@bellsouth.net>

Subject: FW: Dania RAC

****CAUTION** This email originated from external sources. Do not open attachments OR click any links until you have verified the authenticity of the message and its contents.**

_____ Understand you are going on vacation soon. Your help per below/attached is greatly appreciated. _____

Good morning Dincer,

As you know, we are working for the City to process the above referenced land use plan text amendment to amend the mix of uses permitted in the City's RAC. The application has gone through the City's PZB and City Commission 1st Reading and is now ready to be transmitted to the Broward County Planning Council. We need a few items from you related to our analysis/service letters request in order to complete our application:

- **Drainage:** Please see attached request for your review of our drainage analysis. Please provide a response at your earliest convenience. We have also attached a sample response from a previous project.
- **Potable Water:** Please see attached request for your review of our potable water analysis. We have incorporated the latest information for the City's recently issued water use permit. Please review and provide a response letter/email as to the accuracy of our analysis.
- **Sanitary Sewer:** Please see attached request addressed to Alicia Vereas-Feria, City of Hollywood dated 5/6/22. We previously sent Alicia our analysis and she issued comments. Refer to attached email correspondence which includes her comment on 3/31 and your response re: I&I study on 4/15. I have incorporated your I&I information and Alicia's revisions regarding plant demand/capacities into the attached sewer letter dated 5/6/22. Please review the letter and if you are ok with it, we will forward to Alicia for her review and response.

Please call or email if you have any questions. Thanks for your help.

Kelly Ray-Sosnowski, LEED AP+BDC
Planner

Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Ph: 954-467-6308 Email:

**Leigh Robinson Kerr
& Associates, Inc.**

Member, American Institute of Certified Planners

May 4, 2022

Via E-mail: dozaydin@daniabeachfl.gov

Dincer Ozaydin
Public Services Deputy Director
City of Dania Beach
1201 Stirling Road
Dania Beach, FL 33005

Re: "Dania Beach RAC" Land Use Plan Text Amendment – Water Analysis

Mr. Ozaydin:

My office is preparing an application for a land use plan text amendment (LUPA) in the City of Dania Beach. As part of our analysis, we are required to evaluate the impacts of the proposed amendment and confirm the effect on potable water.

I have attached a copy of the analysis we have prepared and a site location map. I would appreciate your review of the materials and a written response concerning the accuracy of this information. Please provide me with your response at your earliest convenience.

If you should have any questions or require additional information, do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,


Kelly Ray
Planner

Enclosures

• Planning • Zoning • Land Use • Expert Testimony •
808 East Las Olas Boulevard, Suite 104, Fort Lauderdale, Florida 33301
Phone (954) 467-6308 Fax (954) 467-6309
lkerr808@bellsouth.net • www.LeighRobinsonKerr.com

Established 1985

A. PROJECT INFORMATION

The amendment area is the Dania Beach Regional Activity Center (RAC) which contains approximately 1,344 acres and is generally located east of I-95, between Griffin Road and Sheridan Street.

The subject area will remain designated RAC. The applicant proposes to amend the mix of uses to reduce the commercial category by thirty (30) acres and add 4,000 dwelling units consisting of 317 single-family units and 3,683 multi-family units. Refer to Table 1: Current and Proposed Uses. The original RAC established in 2009 did not propose any additional units above what was permitted under the existing future land uses at that time. [See Figure 1 for RAC boundary.](#)

TABLE 1 CURRENT AND PROPOSED LAND USE DANIA BEACH RAC			
Use	Current	Proposed	Net Change
Residential (du's)	7,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes	11,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes 317 Single-family 3,683 Multi-family	+ 4,000 du's: +317 Single-Family +3,683 Multi-Family
Hotel	640 rooms	640 rooms	No change
Commercial	294 acres plus 500 ksf	264 acres plus 500 ksf	- 30 acres
Industrial	247.5 acres	247.5 acres	No change
Employment Center	74.5 acres	74.5 acres	No change
Community Facilities	36.2 acres	36.2 acres	No change
Parks & Rec (min.)	40.5 acres	40.5 acres	No change
Transportation	6.5 acres	6.5 acres	No change
Conservation (min.)	2.6 acres	2.6 acres	No change
Utilities	2.5 acres	2.5 acres	No change

B. POTABLE WATER ANALYSIS

1. Provide the potable water level of service per the adopted certified local land use plan, including the adoption date of the 10 Year Water Supply Facilities Plan.

The subject site is within the City's Water & Wastewater Services service area. The City is in the process of updating its Water Supply Plan, which indicates the City's level of service standard is 135 gpcd or less. The previous water supply amendments were adopted into the City's Comprehensive Plan on October 26, 2010. The Broward County Water Supply Facilities Plan was adopted on April 21, 2020.

2. Potable Water Capacity/Demand
 - a) Identify the potable water facility serving the area in which the amendment is located including the current plant capacity, current and committed demand on the plant and planned plant capacity expansions, including year and finding sources.

CURRENT PLANT CAPACITY & DEMAND – POTABLE WATER	
Current Plant Capacity	5.04 MGD
Current + Committed Plant Demand ¹	2.36 MGD
SFWMD Permitted Withdrawal <u>Through 2023</u> BCWWS + 1.3 MGD City Allocation ²	3.0 MGD
<u>2023-2042</u> BCWWS 1.58 MGD C51 1.0 MGD City Wells 1.3 MGD	3.88 MGD
Planned Expansions	None

¹ Public Utility Management & Planning Services, Inc. (City consultant)

² SFWMD Permit #06-00187-W Issued 4/5/2022. Also refer below:

The SWFMD issued permit modification #06-00187-W on April 5, 2022 with an expiration date of April 5, 2042. As of 2018, the Broward County Water and Wastewater Services - South Regional Wellfield (BCWWS-SRW) has provided all of the City's raw water demand, (approximately 3 million gallons per day (MGD). In order to achieve this, 0.31 MGD of the City's SAS allocation was transferred to the BCWWS-SRW. After 2023, the amount of bulk raw water provided by the BCWWS-SRW will be reduced to 1.58 MGD. In order to meet the balance of their demands, the City will withdraw up to 1.3 MGD from one existing City well and one proposed

horizontal well. The City has entered into an agreement with Palm Beach Aggregates for 1.0 MGD of C-51 Reservoir, Phase 1 water to off-set withdrawals from BCWWS-SRW that are to be delivered to the City, resulting in a total of up to 2.58 MGD of raw water delivered from BCCWS-SRW for a maximum available raw water capacity of 3.88 MGD in the year 2042. [The C51 reservoir delivery date is June 2023.](#)

- b) Identify the wellfield serving the area in which the amendment is located including the SFWMD permitted withdrawal and expiration date of the SFWMD permit.

The City's wellfields, C51 reservoir and Broward County South Regional wellfield serve the amendment area. The SWFMD issued permit modification #06-00187-W to the City on April 5, 2022 with an expiration date of April 5, 2042. The Broward County South Regional Wellfield (BCSRW) CUP #06-01474-W was issued March 2018, successfully modified July 10, 2019, and expires

Wellfield	Permitted Withdrawal	Permit Valid
City Wells	1.3 MGD	4/2022-4/2042
BCSRW ¹ :		
Temporary 5-Year Allocation	3.02 MGD	3/2018-3/2023
Base Condition Allocation	1.58 MGD	3/2018-3/2038
C-51 Offset Allocation	1.00 MGD	3/2023-12/2065
Total SR Wellfield Allocation	2.58 MGD	
C51 Allotments Under Agreements	1.00 MGD	

¹ Broward County Water Supply Facilities Work Plan, Table WS25

3. Identify the net impact on potable water demand, based on adopted level of service, resulting from the proposed amendment. Provide calculations, including anticipated demand per s.f. or d.u.

Deleted: ¶

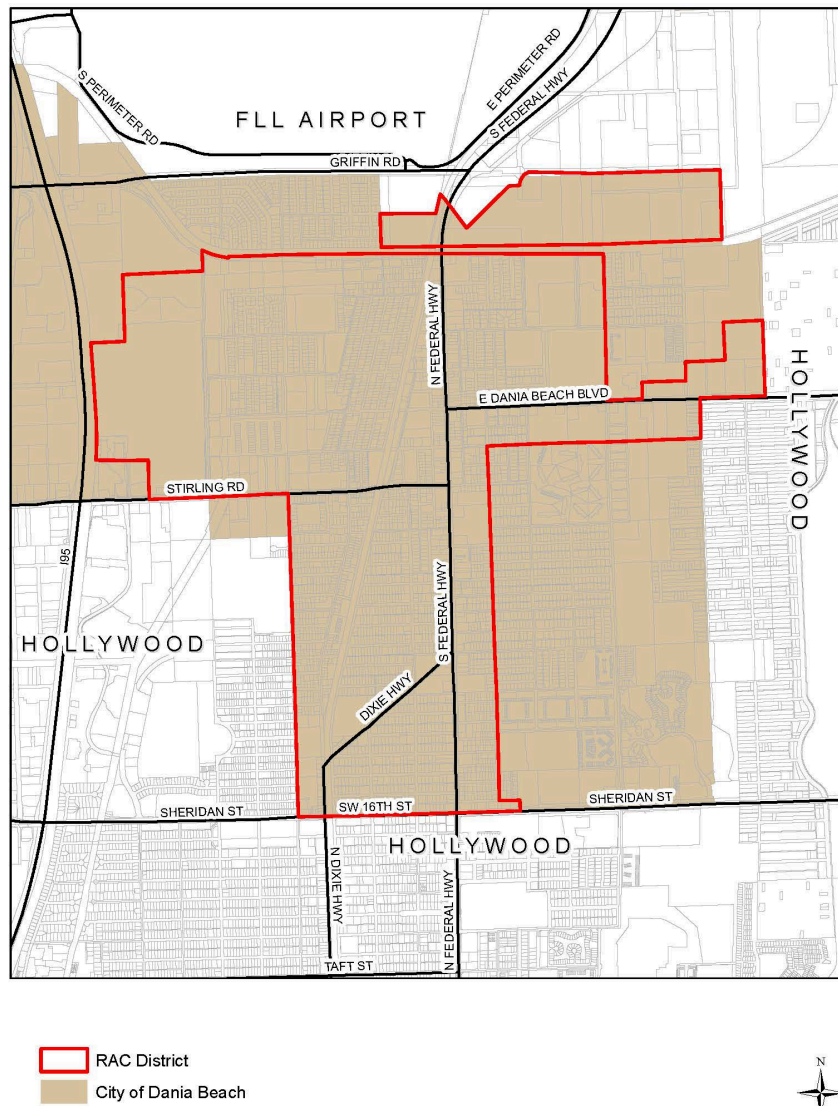
POTABLE WATER IMPACT (NET CHANGE)			
USE	DENSITY/INTENSITY	RATE	TOTAL
Current			
Commercial	30 ac (1,306,800 sf)	x 0.1 gpd/sf ¹	130,680 GPD
Proposed			
Single family	317 units	x 150 GPD/unit	47,550 GPD
Multi family	3683 units	x 75 GPD/unit	276,225 GPD
			323,775 GPD
Net Change			+ 193,095 GPD

¹SF: 435,600 Commercial and 871,200 Office

4. Correspondence from potable water provider verifying the information submitted as part of the application on items 1-3 above. Correspondence must contain name, position and contact information of party providing verification.

Dincer Ozaydin
Public Services Deputy Director
City of Dania Beach
1201 Stirling Road
Dania Beach, FL 33005
Phone: 954-924-6800 x 3617
E-Mail: dozaydin@daniabeachfl.gov

Commented [FB1]: Question - should this be me since I did the WUP submission?



[Figure 1 – RAC delineation](#)

ATTACHMENT II

Sanitary Sewer Correspondence

From: [Alicia Verea-Feria](#)
To: kray808@bellsouth.net
Subject: RE: [EXT]Dania Beach RAC LUPA - Text Amendment
Date: Thursday, March 31, 2022 10:51:13 PM
Attachments: [image001.png](#)

Good evening, Kelly.
Hope this message finds you well.
Forgive the delay in responding.

As requested, please find the following revisions to incorporate.

SANITARY SEWER DEMAND AND CAPACITY

Hollywood Wastewater Treatment Plant

Plant Capacity	55.50 48.75 MGD ₁
Current + Committed Demand	41.965 + 3.443 = 45.408 MGD 40.36 + 1.679 = 42.03 MGD₂
Planned Plant Capacity	55.50 MGD - No expansion planned at this time 60.001
Year/Funding Sources	2012 , Water & Sewer Fund

~~Source: 1Broward County Wastewater Treatment Plant Flow Calculations, 2City of Hollywood Comp Plan~~

NOTE: Though the City's WWTP has capacity, the City of Dania Beach may be encumbering more capacity than available or allocated as a Large User.

If the City of Dania Beach has a plan to reduce their daily flows in the interim to accommodate the additional requested encumbrance amounts, we may be able to take this into account.
For example, proof of an I & I plan (proposed or in progress) to reduce flows prior to becoming actual rather than encumbered flows or the like would be appreciated.

Please do not hesitate to contact me should you need additional information or clarifications.
Thank you for the opportunity to be of assistance.
Stay well.
Have a great weekend.

Alicia M. Verea-Feria, CFM

Floodplain Development Review Administrator
City of Hollywood, Florida
Department of Public Utilities
Engineering & Construction Services
2600 Hollywood Blvd, Room 308
Hollywood, FL 33022
Phone: (954)921-3302
averea-feria@hollywoodfl.org



ECSD Offices are open Monday – Thursday from 7:00 am to 6:00 pm

Please consider the environment before printing this email

From: kray808@bellsouth.net <kray808@bellsouth.net>

Sent: Monday, March 14, 2022 8:33 AM

To: Alicia Verea-Feria <AVEREA-FERIA@hollywoodfl.org>

Subject: [EXT]Dania Beach RAC LUPA - Text Amendment

Good morning,

The above referenced project is located in the City of Dania Beach but through an agreement with the City Hollywood, receives sanitary sewer/water treatment from Hollywood. Please see attached letter requesting your review and response to our drainage analysis for the above referenced land use plan text amendment for the subject area.

Call or email with any questions you may have.

Thank you.

Kelly Ray-Sosnowski, LEED AP+BDC

Planner

Leigh Robinson Kerr & Associates, Inc.

808 E. Las Olas Boulevard

Suite 104

Fort Lauderdale, FL 33301

Ph: 954-467-6308 Email: kray808@bellsouth.net

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alicia Verea-Feria

Engineer

City of Hollywood

Public Utilities

P.O. Box 229045

Hollywood, FL 33022-9045

Office:

E-mail: AVEREA-FERIA@HollywoodFL.org



Notice: Florida has a broad public records law. All correspondence sent to the City of Hollywood via e-mail may be subject to disclosure as a matter of public record.

ATTACHMENT III

Solid Waste Correspondence



Waste Management Inc. of Florida

1800 N. Military Trail, Suite 201
Boca Raton, FL 33431

July 5, 2022

Via E-Mail

Kelly Ray-Sosnowski, LEED AP+BDC
Planner
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 33301
Email: Kray808@bellsouth.net

Re: City of Dania Beach RAC - Land Use Plan Amendment - Solid Waste Review / WM Confirmation of Capacity to Accommodate Increased Solid Waste by 4,000 Units

Dear Ms. Ray-Sosnowski,

By way of this letter, WM confirms that the solid waste re-analysis in the above-referenced land-use plan amendment application for the City of Dania Beach meets our ability as the City's hauler to accommodate the increased solid waste generated by the amendment. WM will have sufficient capacity to support the development which increases units by 4,000 (317 SF, 3683 MF).

Should you have any questions or require additional information, please feel free to contact me at bherrera@wm.com or at 954-856-7192.

Best of luck with the proposed project!

Sincerely,

Barbara Herrera
Government Affairs Manager
Waste Management Inc. of Florida
M: 954-856-7192
bherrera@wm.com

CC: Tom Ridder, Senior Operations Manager, WMIF
Jean Desilus, District Manager, WMIF

ATTACHMENT IV

Drainage Correspondence

From: h2o_man@bellsouth.net
To: lkerr808@bellsouth.net; Kray808@bellsouth.net; ["Quintero, John"](#)
Cc: ["Rodriguez, Fernando J.";](#) ["Norena, Eleanor";](#) ["Dicer Akin Azaydin. P. E. /Dania Beach P. W. Director"](#)
Subject: My thoughts on RAC documents
Date: Thursday, May 12, 2022 10:21:12 AM
Attachments: [L-Sewer Hllwvd Rev.doc](#)
[L- Drainage DOZaydin.doc](#)
[L-Water rev.doc](#)

Hi All

Here are my comments

Fred

**Leigh Robinson Kerr
& Associates, Inc.**

Member, American Institute of Certified Planners

May 2, 2022

Via E-mail: dozaydin@daniabeachfl.gov

Dincer Ozaydin, P.E., G.C.
Public Services Deputy Director/City Engineer
City of Dania Beach
1201 Stirling Road
Dania Beach, FL 33004

Re: "Dania Beach RAC" Land Use Plan Text Amendment – Drainage Analysis

Mr. Ozaydin:

My office is preparing an application for a land use plan text amendment (LUPA) in the City of Dania Beach. As part of our analysis, we are required to evaluate the impacts of the proposed amendment and confirm the effect on drainage.

I have attached a copy of the analysis we have prepared and a site location map. I would appreciate your review of the materials and a written response concerning the accuracy of this information. If you could provide that information, it would be greatly appreciated. Please provide me with your response at your earliest convenience.

If you should have any questions or require additional information, do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,


Kelly Ray
Planner

Enclosures

• Planning • Zoning • Land Use • Expert Testimony •
808 East Las Olas Boulevard, Suite 104, Fort Lauderdale, Florida 33301
Phone (954) 467-6308 Fax (954) 467-6309
lkerr808@bellsouth.net • www.LeighRobinsonKerr.com

Established 1985

A. PROJECT INFORMATION

The amendment area is the Dania Beach Regional Activity Center (RAC) which contains approximately 1,344 acres and is generally located east of I-95, between Griffin Road and Sheridan Street.

The subject area will remain designated RAC. The applicant proposes to amend the mix of uses to reduce the commercial category by thirty (30) acres and add 4,000 dwelling units consisting of 317 single-family units and 3,683 multi-family units. Refer to Table 1: Current and Proposed Uses. The original RAC established in 2009 did not propose any additional units above what was permitted under the existing future land uses at that time.

**TABLE 1 CURRENT AND PROPOSED LAND USE
DANIA BEACH RAC**

Use	Current	Proposed	Net Change
Residential (du's)	7,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes	11,818 du's consisting of: 2,348 Single-family 2,165 High-rise 2,047 Townhouses 972 Garden Apt 286 Duplexes 317 Single-family 3,683 Multi-family	+ 4,000 du's: +317 Single-Family +3,683 Multi-Family
Hotel	640 rooms	640 rooms	No change
Commercial	294 acres plus 500 ksf	264 acres plus 500 ksf	- 30 acres
Industrial	247.5 acres	247.5 acres	No change
Employment Center	74.5 acres	74.5 acres	No change
Community Facilities	36.2 acres	36.2 acres	No change
Parks & Rec (min.)	40.5 acres	40.5 acres	No change
Transportation	6.5 acres	6.5 acres	No change
Conservation (min.)	2.6 acres	2.6 acres	No change
Utilities	2.5 acres	2.5 acres	No change

B. DRAINAGE ANALYSIS

1. Provide the drainage level of service per the adopted and certified local land use plan.

- **Private Property: retain property and dispose of ½ inch of storm runoff during any five minute period.**

- **Buildings:** To have the lowest floor elevation no lower than the elevation for the respective area depicted on the National Flood Insurance Rate Map (FIRM) by Federal Emergency Management Agency (FEMA) for flood hazard areas based on 100 year flood elevation plus 1 foot.

2. Identify the drainage district and drainage systems serving the amendment area.

There is no local drainage district. The City of Dania Beach is the local provider responsible for assuring proper drainage is installed on all new projects.

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The primary drainage system of the City of Dania Beach, as well as Broward County, is controlled by the canal and pump system of the South Florida Water Management District (SFWMD). Drainage systems primarily consist of storm sewers, exfiltration trench systems and onsite retention/detention systems. Retention/detention systems consists of Wet which retains or detains storm water in lakes and dry which retains or detains storm water in areas that are normally dry.

Deleted: Dry

3. Identify any planned drainage improvements, including year, funding sources and other relevant information.

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There are no specific drainage projects within the RAC planned at this time. If developments involving multiple units are proposed, individual drainage system will be required as per County does. Drainage improvements will be completed at time of construction, as needed.

4. Indicate if a Surface Water Management Plan has been approved by, or an application submitted to, the SFWMD and/or any independent drainage district, for the amendment site. Identify the permit number(s), or application number(s) if the project is pending, for the amendment site. If an amendment site is not required to obtain a SFWMD permit, provide documentation of same.

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Not applicable – there are no current Surface Water Management permits needs or permits n progress. Permits will be obtained as needed by developers for their projects.

5. If the area in which the amendment is located does not meet the adopted level of service and there are no improvements planned (by the unit of local government or drainage authority) to address the deficiencies, provide an engineering analysis which demonstrated how the site will be drained and the impact on the surrounding properties. The information should include the wet season water level for the amendment site, design storm elevation, natural and proposed land elevation, one hundred year flood elevation, acreage for proposed water management retention area,

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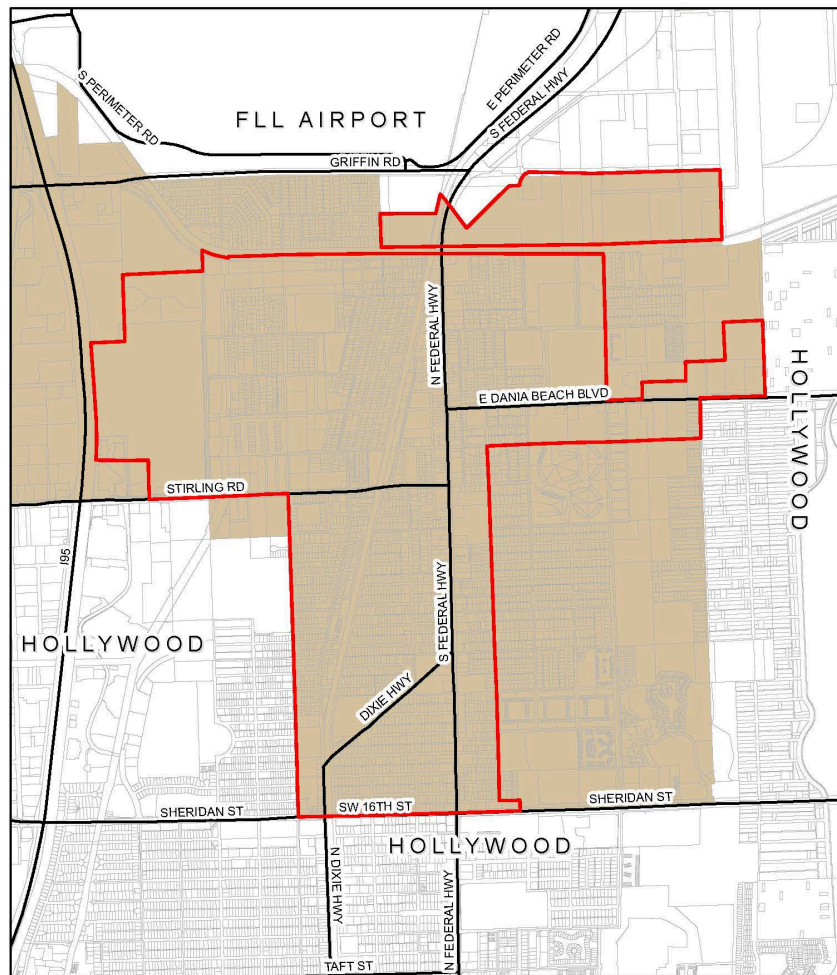
elevations for buildings, roads and yards, storage and runoff calculations for the design storm and estimated time for flood waters to recede to the natural land elevation.

Development within the subject area shall meet the requirements of the City of Dania Beach, SFWMD and Broward County. After development of the site and consistent with the drainage standards of the City, County and SFWMD, the subject area will meet the adopted level of service.

6. Correspondence from local drainage district verifying the information submitted as part of the application on items 1-5 above. Correspondence must contain name, position and contact information of party providing verification.

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**Dincer Ozaydin
Dania Beach Public Services
1201 Stirling Road
Dania Beach, FL 33004
Ph: 954-924-6808 x 3617 Email: dozaydin@daniabeachfl.gov**



-  RAC District
-  City of Dania Beach



ATTACHMENT V

Inventory of Local Parks

CITY OF DANIA BEACH

MUNICIPAL OPEN SPACE INVENTORY

PARK NAME	FACILITY TYPE	ACREAGE
CURRENT RECERTIFIED PARKS		
IT Parker Center (Houston Park)	Community	7.8
Tigertail Lake Center/Dog Park	Community	39.3
Secret Woods	Community	5.7 (57 ac)*
Pond Apple Slough	Community	4.6 (46 ac)*
Dania Beach (incl. Tootie & Whiskey Creek)	Community	26.5
West Lake Marsh	Community	10 (136 ac)*
Dania Elementary	Neighborhood	2.6
Olsen	Neighborhood	9.9
PJ Meli Park	Neighborhood	9.7
Collins	Neighborhood	4.9
CW Thomas	Neighborhood	9.7
Frost	Neighborhood	10.1
Dania Cove Park	Neighborhood	4.65
Northside/Malaleuca Park	Neighborhood	0.7
Mullikan	Neighborhood	1.0
Chester Byrd	Neighborhood	2.5
Subtotal		149.65
NEW EXISTING PARKS		
Griffin Marine	Neighborhood	2.6
Mildred Jones	Neighborhood	0.86
Star Centennial	Neighborhood	0.35
SW Community Center	Neighborhood	1.42
SE 5th Avenue Linear park	Neighborhood	5.53
PJ Meli Park (add. Acreage)	Neighborhood	2.6
Subtotal		13.36
FUTURE PARKS		
City Hall	Neighborhood	1.65
BSO Substation	Neighborhood	0.21
Boise Waiters	Neighborhood	5.43
Nyberg Swanson	Neighborhood	1.07
FDOT Annex (Beach)	Neighborhood	1.29
Mullikan ROW	Neighborhood	0.22
The Wave	Neighborhood	0.52
Subtotal		10.39
TOTAL		173.4

*10% of county park area up to a max of 10 acres toward LOS

ATTACHMENT VI

Mass Transit Letter



Transportation Department

Service and Strategic Planning Division

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8340 • FAX 954-357-8482

VIA EMAIL

March 14, 2022

Kelly Ray- Sosnowski, LEED AP+BDC
Planner
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Boulevard
Suite 104
Fort Lauderdale, FL 3301

RE: Transit Verification Letter – Dania Beach RAC

Dear Ms. Ray-Sosnowski:

Broward County Transit (BCT) has reviewed your correspondence dated February 28, 2022, regarding the Land Use Plan Amendment (LUPA) of the property located east of I-95, between Griffin Road and Sheridan Street for current and planned transit service. The correct transit service provided within a quarter mile of the amendment site is limited to BCT Routes 1, 101, 4, 6, 12, 16, and the Community Shuttle Dania Beach East and West routes. Please refer to the following table for detailed information.

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
1	Weekday Saturday Sunday	5:00a-12:21x 5:20a-12:16x 6:00a-10:21p	26 minutes 23 minutes 29 minutes
101	Weekday Saturday Sunday	5:05a-9:01p	31 minutes
4	Weekday Saturday Sunday	5:15a-10:57p 6:00a-11:03p 7:45a-10:46p	40 minutes 50 minutes 50 minutes
6	Weekday Saturday Sunday	5:17a-11:35 5:20-10:59p 8:20a-9:11p	47 minutes 60 minutes 60 minutes
12	Weekday Saturday Sunday	5:00a-11:37p 5:20a-11:37p 6:20a-10:20p	45 minutes 45 minutes 45 minutes



Transportation Department

Service and Strategic Planning Division

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8340 • FAX 954-357-8482

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
16	Weekday Saturday Sunday	5:45a-10:35p 6:00a-10:35p 7:05a-10:10p	45 minutes 45 minutes 45 minutes
Dania Beach Community Shuttle East	Weekday	9:00a – 5:30p	60 minutes
Dania Beach Community Shuttle West	Weekday	9:00a – 5:47p	75 minutes

BCT can accommodate additional transit demand, as described in the Mass Transit Analysis, with planned fixed route bus service to the amendment site.

As part of the 30 year, one-cent surtax for transportation, BCT will be implementing a number of fixed route bus improvements, including shorter headways and increased span of service on weekdays and weekends. The development of subject property will support the utilization of mass transit by increasing the employment opportunities along an existing transit route. The proposed development will provide safe circulation routes for pedestrians and bicycles including transit connectivity between existing sidewalks and proposed future bus stops.

Please be advised that the needs of any existing or future bus stops located adjacent or within the amendment site will be addressed during the project's development review process.

Please feel free to call me at 954-357-8381 or email me at tacrawford@broward.org if you require any additional information or clarification on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tara T. Crawford".

Tara T. Crawford, AICP
Planning Section Supervisor- Service Planning
Service and Strategic Planning

ATTACHMENT VII

Florida Master Site File Search



AR=1
SS=216
CM=1
RG=8
BR=1
Total=227

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD00080	SS	OLD DANIA ELEMENTARY SCHOOL	301 SOUTH FEDERAL HWY, DANIA	-RESOURCE DESTROYED- 1913 Neo-Classical Revival		
BD00118	SS	BOEHM, JOHN RESIDENCE	251 S FEDERAL HIGHWAY, DANIA	-RESOURCE DESTROYED- 1915 Bungalow		
BD00119	SS	NYBERG-SWANSON HOUSE	102 West Dania Beach Boulevard, DANIA	c1912 Masonry Vernacular		NR Listed - May 28, 1999
BD00120	SS	FROST, HELEN AND MARTIN HOME				
BD00121	SS	OLD DANIA BANK	FEDERAL HIGHWAY AND DAN, DANIA	-RESOURCE DESTROYED- 1923 Neo-Classical Revival		
BD00137	SS	BRYAN, JOHN RESIDENCE	110 BRYAN RD, DANIA	-RESOURCE DESTROYED- c1910 Masonry Vernacular		
BD00139	SS	DANIA COUNSELING CENTER	158 N FEDERAL HIGHWAY, DANIA	1913 Masonry Vernacular		
BD00140	SS	DANIA METHODIST CHURCH	113 S FEDERAL HIGHWAY, DANIA	1905 Mediterranean Revival		
BD00141	SS	DANIA BEACH HOTEL	180 E Dania Beach BLVD S, Dania Beach	-RESOURCE DESTROYED- c1925 Mediterranean Revival	Eligible	
BD00142	SS	LA NORMANDIE RESTAURANT	129 N FEDERAL HIGHWAY, DANIA	-RESOURCE DESTROYED- 1910 Frame Vernacular		
BD00143	SS	HOTEL POINCIANA	141 NW FIRST AVE, DANIA	c1920 Mission		
BD00144	SS	BLACK, J W RESIDENCE	146 SW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1913 Bungalow		
BD00145	SS	DANIA COMMUNITY LIBRARY WOMAN'S CLUB		Frame Vernacular		
BD00146	SS	PRIESTLY RESIDENCE	N FEDERAL HIGHWAY, DANIA	-RESOURCE DESTROYED- 1913 Frame Vernacular		
BD00147	SS	PARRISH RESIDENCE	134 SW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1915 Frame Vernacular		
BD02592	SS	SHELTON, DR JOHN B, HOUSE				
BD02593	SS	ORIGINAL SITE OF FIRST BAPTIST CHURCH	71,75 N FEDERAL HWY, DANIA	-RESOURCE DESTROYED- 1924 Unspecified		
BD02594	SS	BACKSTREET ANTIQUES		Mediterranean Revival		
BD02595	SS	ATR LANE'S ANTIQUES	10 NW 1ST AVE, DANIA	c1920 Frame Vernacular		
BD02596	SS	FILIZ BAKIR ANTIQUES	14 NW 1ST AVE, DANIA	c1940 Commercial		
BD02597	SS	BANK OF DANIA	2 S FEDERAL HWY, DANIA	1923 Commercial		
BD02598	SS	T & T CASH GROCERY #1	2 S FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1926 Commercial		
BD02599	SS	T & T CASH GROCERY #2	8 S FEDERAL HWY, DANIA	1939 Commercial		
BD02600	SS	BREEDING DRUGS	12 S FEDERAL HWY, DANIA	1943 Commercial		
BD02601	SS	GRIFFIN HARDWARE & BLOSSOM FLOWER SHOP	20,22,26 S FEDERAL HWY, DANIA	c1940 Commercial		
BD02602	SS	ELMER CHRISTIAN'S GARAGE	29 S FEDERAL HWY, DANIA	c1909 Commercial		
BD02603	SS	HOTEL ANNE	34 S FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1912 Commercial		
BD02604	SS	VR LABREE BICYCLE SHOP	35 S FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1913 Commercial		
BD02605	SS	HOME GROCERY SHOP	48 S FEDERAL HWY, DANIA	c1942 Commercial		
BD02606	SS	SHELL GAS STATION	64 S FEDERAL HWY, DANIA	c1935 Art Deco		
BD02607	SS	BRADY BUILDING	1,3 N FEDERAL HWY, DANIA	c1923 Mission		
BD02608	SS	KATHERINE HOTEL	4-8 N Federal HWY E, Dania Beach	-RESOURCE DESTROYED- 1940 Commercial	Eligible	
BD02609	SS	ROLAND APARTMENTS	5,7,9 N FEDERAL HWY, DANIA	c1920 Commercial		
BD02610	SS	HANSEN, R J, BUILDING	10 N FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1920 Commercial		
BD02611	SS	SWANSON BUILDING	11,13 N FEDERAL HWY, DANIA	c1920 Commercial		
BD02612	SS	JAMES, J R, BUILDING	16 N FEDERAL HWY, DANIA	c1920 Commercial		
BD02613	SS	ELLIS BUILDING	15,17 N FEDERAL HWY, DANIA	c1926 Commercial		
BD02614	SS	CAMEO ANTIQUES	18 N FEDERAL HWY, DANIA	c1926 Commercial		

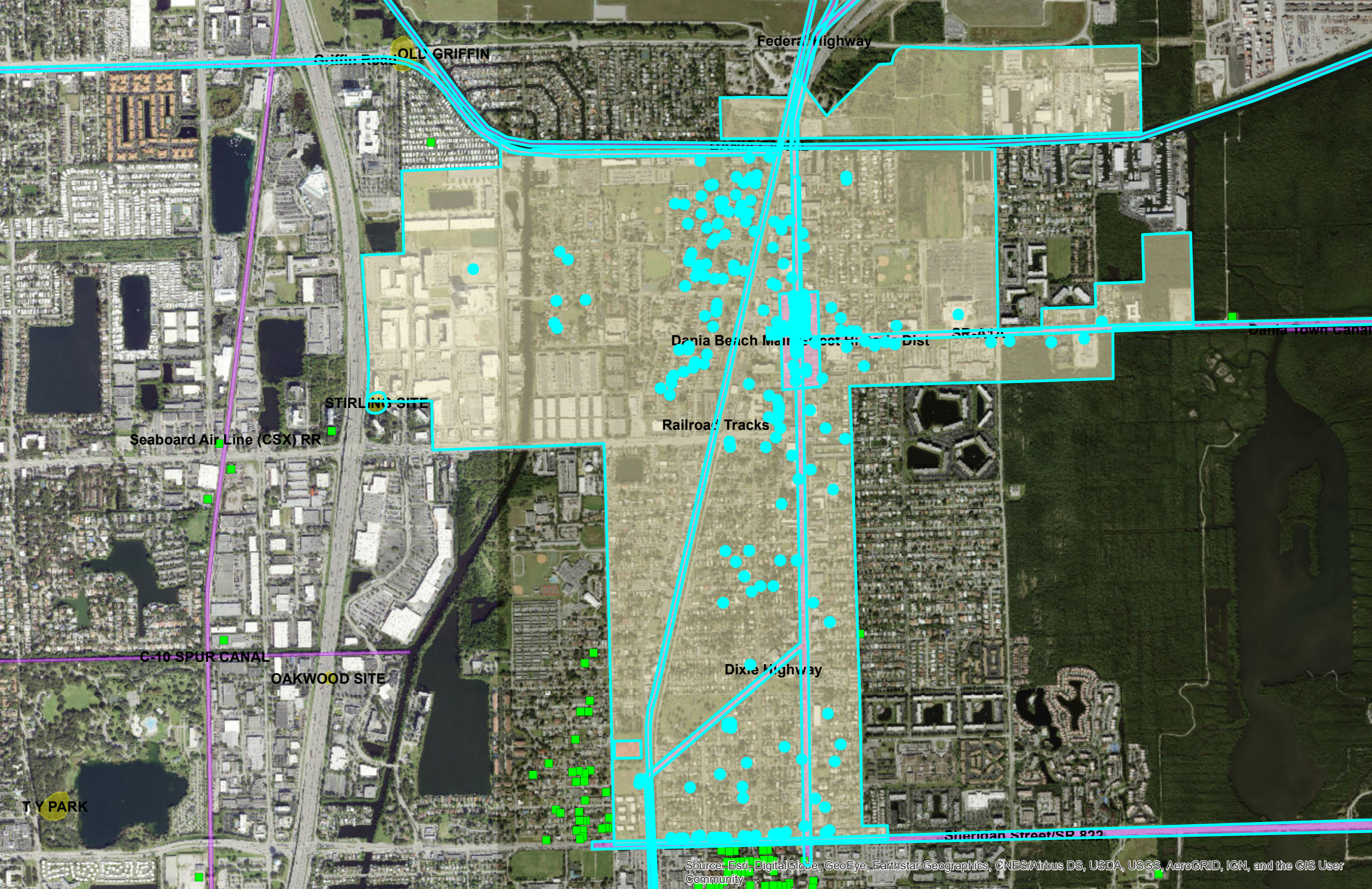
SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD02615	SS	ADAM'S FIVE AND DIME	19 N FEDERAL HWY, DANIA	c1940 Commercial		
BD02616	SS	FLORIDA THEATER AT DANIA	23,25,33 N FEDERAL HWY, DANIA	1939 Commercial		
BD02617	SS	SHIELD'S, J E, BUILDING	24,26,28 N FEDERAL HWY, DANIA	c1924 Commercial		
BD02618	SS	RUCK'S D M, BUILDINGS	30,32,34 N FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1928 Commercial		
BD02619	SS	BOOTH, OSCAR, BUILDING	40,44,48 N FEDERAL HWY, DANIA	-RESOURCE DESTROYED- c1944 Commercial		
BD02620	SS	ROOMING HOUSE		Mediterranean Revival		
BD02621	SS	LARSON BUILDING	51,53,57 N FEDERAL HWY, DANIA	c1926 Commercial		
BD02622	SS	FIRST DANIA THEATER	56 N FEDERAL HWY, DANIA	1925 Commercial		
BD02623	SS	ANTIQUE GALLERIES MALL	60 N FEDERAL HWY, DANIA	c1946 Commercial		
BD02624	SS	63 N FEDERAL HWY		Frame Vernacular		
BD02625	SS	SHELTON, DR JOHN B, OFFICE ADDITION	66 N FEDERAL HWY, DANIA	c1930 Commercial		
BD02626	SS	BAKER, CATHERINE LE, HOUSE	601 SW 1ST ST, DANIA	-RESOURCE DESTROYED- c1943 Frame Vernacular		
BD02627	SS	COLLINS, M S AND ANITA, HOUSE	26 NW 6TH AVE, DANIA	c1936 Frame Vernacular		
BD02628	SS	JONES, S L AND OLA M, HOUSE	116 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1938 Frame Vernacular		
BD02629	SS	JONES, M L AND BARBARA H, JR, HOUSE	117 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1938 Frame Vernacular		
BD02630	SS	DANIELS, ROBERT, HOUSE	129 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1938 Frame Vernacular		
BD02631	SS	JONES, S L, & PEEK, EDGAR, HOUSE	201 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02632	SS	203 NW 6TH AVE	203 NW 6TH AVE, DANIA	c1930 Frame Vernacular		
BD02633	SS	KNOWLES, L A & HILDA, HOUSE	210 NW 6TH AVE, DANIA	c1936 Frame Vernacular		
BD02634	SS	221 NW 6TH AVE	221 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02635	SS	CHUNN, ADDIE, HOUSE	228 NW 6TH AVE, DANIA	c1920 Frame Vernacular		
BD02636	SS	SIMMONS, O AND PEARL, HOUSE	239 NW 6TH AVE, DANIA	c1930 Frame Vernacular		
BD02637	SS	THOMPSON, JAMES W, HOUSE	241 NW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02638	SS	ANDERSON, JAMES L, HOUSE	245 NW 6TH AVE, DANIA	c1938 Frame Vernacular		
BD02639	SS	PEEK, LONNIE AND BERNICE, HOUSE	5 SW 7TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02640	SS	GIBRALTER CAPITAL CORP	41 SW 7TH AVE, DANIA	c1940 Frame Vernacular		
BD02641	SS	CALHOUN, PRISCILLA, HOUSE	46 SW 7TH AVE, DANIA	c1920 Frame Vernacular		
BD02642	SS	YOUNG, LILLIAN M, HOUSE	55 SW 7TH AVE, DANIA	c1920 Frame Vernacular		
BD02643	SS	KNOWLES, H AND BEULAH, HOUSE	33 SW 7TH AVE, DANIA	c1943 Frame Vernacular		
BD02644	SS	BESNER, JACK T R, HOUSE	109 NW 7TH AVE, DANIA	c1930 Frame Vernacular		
BD02645	SS	McNAIR, ADEL, HOUSE	118 NW 7TH AVE, DANIA	c1943 Frame Vernacular		
BD02646	SS	DEAN, A AND ROSALIE, HOUSE	124 NW 7TH AVE, DANIA	c1938 Frame Vernacular		
BD02647	SS	WALKER, R AND CURLEY MAE, HOUSES	124-128-130-132 NW 7TH, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02648	SS	131 NW 7TH AVE	131 NW 7TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02649	SS	143 NW 7TH AVE	143 NW 7TH AVE, DANIA	c1920 Frame Vernacular		
BD02650	SS	149 NW 7TH AVE	149 7TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02651	SS	218 NW 7TH AVE	218 NW 7TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02652	SS	CHUNN, C AND CUNN, A, HOUSE	233 NW 7TH AVE, DANIA	-RESOURCE DESTROYED- c1943 Frame Vernacular		

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD02653	SS	MAJOR, ELIZABETH, HOUSE	241 NW 8TH AVE, DANIA	-RESOURCE DESTROYED- c1940 Frame Vernacular		
BD02654	SS	249 NW 8TH AVE	249 NW 8TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02655	SS	300 BLOCK OF 8TH AVE	A300 BLOCK OF 8TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02656	SS	UNITED CHURCH OF GOD	1300 TIGERTAIL RD, DANIA	1943 Frame Vernacular		
BD02657	SS	LEE, R AND FUNCHESS, W J, HOUSE	33 NW 14 AVE, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02658	SS	LE, C AND HILTON, R III, HOUSE	42 NW 14 AVE, DANIA	-RESOURCE DESTROYED- c1931 Frame Vernacular		
BD02659	SS	55 NW 14TH AVE	55 NW 14 AVE, DANIA	-RESOURCE DESTROYED- Frame Vernacular		
BD02660	SS	WILLIAMS, BETTY, HOUSE	142 NW 14 AVE, DANIA	c1949 Frame Vernacular		
BD02661	SS	ANDERSON, JAMES, HOUSE #1	413 NW 3RD TERR, DANIA	c1930 Frame Vernacular		
BD02662	SS	ANDERSON, JAMES, HOUSE #2	510 NW 3RD ST, DANIA	c1930 Frame Vernacular		
BD02663	SS	605 NW 3RD ST	605 NW 3RD ST, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02664	SS	LEWIS, REV TANNIE, HOUSE	750 NW 3RD ST, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02665	SS	ANDERSON, JAMES, HOUSE #3	817 NW 3RD ST, DANIA	-RESOURCE DESTROYED- c1930 Frame Vernacular		
BD02666	SS	MOLTIMORE, A AND FLORENCE, HOUSE	416 NW 3RD TERR, DANIA	c1920 Frame Vernacular		
BD02667	SS	COLLINS, M S AND ANITA, HOUSE #2	510 NW 3RD TERR, DANIA	-RESOURCE DESTROYED- c1936 Frame Vernacular		
BD02668	SS	BURROWS, W, HOUSE	609 NW 3RD TERR, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02669	SS	MACK, A AND PEARLIE, HOUSE	613 NW 3RD TERR, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02670	SS	MAJOR, PERCY, HOUSE	407 NW 3RD PL, DANIA	c1930 Frame Vernacular		
BD02671	SS	POLANCO, L AND EVA, HOUSE	121 NW 4TH AVE, DANIA	c1930 Frame Vernacular		
BD02672	SS	CHUNN, DELA, HOUSE	215 NW 4TH AVE, DANIA	c1930 Frame Vernacular		
BD02673	SS	COLLINS, M S AND ANITA, HOUSE #3	14 SW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1933 Frame Vernacular		
BD02674	SS	COLLINS, STERLING M, HOUSE				
BD02675	SS	ROLLE, H AND MORLEY, V, HOUSE	13 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1936 Frame Vernacular		
BD02676	SS	BURROWS, MIRIAM, HOUSE	29 NW 5TH AVE, DANIA	c1944 Frame Vernacular		
BD02677	SS	REEVES, BEATRICE R, HOUSE	33 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1933 Frame Vernacular		
BD02678	SS	BURROWS, ELISA C, HOUSE	41 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02679	SS	TAYLOR, SAM, HOUSE	113 NW 5TH AVE, DANIA	c1920 Frame Vernacular		
BD02680	SS	RHEMINGS, CHARLES, HOUSE	124 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02681	SS	ROCKSBURG HOUSE	120 NW 5TH AVE, DANIA	c1930 Frame Vernacular		
BD02682	SS	JONES, SAMUEL	226 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02683	SS	JORDAN, DM, HOUSE	233 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02684	SS	GREEN, EB, & COOPER, DL & WM, HOUSE	234 NW 5TH AVE, DANIA	c1940 Frame Vernacular		
BD02685	SS	BENNETT, FANNIE, HOUSE	237 NW 5TH AVE, DANIA	c1920 Frame Vernacular		

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD02686	SS	BENNETT, FANNIE, HOUSE #2	241 NW 5TH AVE, DANIA	c1920 Frame Vernacular		
BD02687	SS	ST JOSEPH WESLEYAN METHODIST CHURCH	244 NW 5TH AVE, DANIA	c1920 Mission		
BD02688	SS	BETHEL, SAMUEL R, HOUSE	317 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1930 Mission		
BD02689	SS	326 NW 5TH AVE	326 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02690	SS	HARRIS, J & MAGGIE, HOUSE	338 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1938 Frame Vernacular		
BD02691	SS	PEEK, LONNIE & BERNICE, HOUSE # 2	2 NW 5TH AVE, DANIA	-RESOURCE DESTROYED- c1934 Frame Vernacular		
BD02692	SS	BETHEL BAPTIST CHURCH	6 SW 6TH AVE, DANIA	c1930 Frame Vernacular		
BD02693	SS	11 SW 6TH AVE	11 SW 6TH AVE, DANIA	-RESOURCE DESTROYED- c1920 Frame Vernacular		
BD02694	SS	23 SW 6TH AVE	23 SW 6TH AVE, DANIA	c1930 Frame Vernacular		
BD02695	SS	BROWN, MABEL, HOUSE	30 SW 6TH AVE, DANIA	c1936 Frame Vernacular		
BD02696	SS	DANIELS, WARREN, HOUSE	149 NW 14TH AVE, DANIA	c1930 Frame Vernacular		
BD02697	SS	WEINER, ELIZABETH, HOUSE	18 NE 1ST CT, DANIA	-RESOURCE DESTROYED- c1933 Mission		
BD02698	SS	JOYNES, TOM F, HOUSE	31D NE 1ST CT, DANIA	-RESOURCE DESTROYED- c1936 Mission		
BD02699	SS	GALLOWAY, JOEY & BRIGITTA, HOUSE		Mediterranean Revival		
BD02700	SS	TORNIER, MICHELINE, HOUSE	305 NE 2ND AVE, DANIA	c1936 Other		
BD02701	SS	BAILEY, G H & EILEEN M, HOUSE		Frame Vernacular		
BD02702	SS	SALVINO, F & ELLA EXEC CNTR, SA	214 SE PARK ST, DANIA	c1933 Mission		
BD02703	SS	OLEBOS, ANNA V, HOUSE	149 SE 1ST AVE, DANIA	c1934 Mission		
BD02704	SS	FROST, CLARK & JUDITH, HOUSE	195 SE 2ND ST, DANIA	c1940 Frame Vernacular		
BD02706	SS	MELE, HELEN G, HOUSE	24 SE 6TH ST, DANIA	c1940 Mission		
BD02707	SS	COLLINS, G T JR & METTIE, HOUSE	22 SE 10TH TERR, DANIA	c1937 Mission		
BD02708	SS	TORTORA, EMILE & CARMELLE, HOUSE	35 SE 12TH ST, DANIA	-RESOURCE DESTROYED- c1936 Mission		
BD02709	SS	BROWN, STEPHEN M, HOUSE	27 SE 13TH ST, DANIA	-RESOURCE DESTROYED- c1934 Frame Vernacular		
BD02710	SS	GORDON, N & G, HOUSE				
BD02711	SS	CART, RICHARD D, HOUSE				
BD02712	SS	ZELLER, DONALD & DENISE, HOUSE	323 SW 1ST AVE, DANIA	c1900 Frame Vernacular		
BD02713	SS	SHANNON APARTMENTS				
BD02714	SS	PHILLIPS, CLEO K, HOUSE	802 SW 2ND AVE, DANIA	c1941 Moderne		
BD02715	SS	DELARM, FLOYD, HOUSE	213 SW 2ND ST, DANIA	-RESOURCE DESTROYED- c1940 Dutch Cottage		
BD02716	SS	BARTELAMUS, M F P, HOUSE	214 SW 2ND TERR, DANIA	c1920 Frame Vernacular		
BD02717	SS	HUSBAND, T P & J, HOUSE				
BD02718	SS	LEHTOLA, RALPH & ESTHER, HOUSE				
BD02719	SS	BEAUBRUN, CARMELITA, HOUSE	217 SW 4TH ST, DANIA	c1936 Mission		
BD02720	SS	ZEIGLER, DAVID, HOUSE		Mediterranean Revival		
BD02721	SS	PUBLICCKER, DONNA, HOUSE	35 SW 5TH ST, DANIA	c1939 Mission		
BD02722	SS	BUHAGIAR, MARY, HOUSE	49 SW 5TH ST, DANIA	c1943 Mission		
BD02723	SS	DECH, G & MARY JANE, HOUSE	220 SW 5TH ST, DANIA	c1936 Mission		
BD02724	SS	OSTOJICH, GERALD & JOAN, HOUSE	234 SW 6TH ST, DANIA	c1945 Mission		
BD02725	SS	MILLER, R C & J, HOUSE A	243 SW 11TH ST #A, DANIA	-RESOURCE DESTROYED- c1925 Frame Vernacular		
BD02726	SS	MILLER, R C & J, HOUSE B	243 SW 11TH ST #B, DANIA	c1925 Frame Vernacular		
BD02727	SS	MILLER, R C & J, HOUSE C	243 SW 11TH ST #C, DANIA	c1925 Frame Vernacular		
BD02728	SS	MILLER, R C & J, HOUSE D	243D SW 11TH ST, DANIA	c1925 Frame Vernacular		
BD02729	SS	MILLER, R C & J, HOUSE E	243E SW 11TH ST, DANIA	c1925 Frame Vernacular		
BD02730	SS	KRESH, CARL J, HOUSE	31 SW 12TH ST, DANIA	c1933 Frame Vernacular		

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD02731	SS	ANGELOS, HELENE, HOUSE	218 SW 13TH ST, DANIA	c1943 Dutch Cottage		
BD02732	SS	FELIX, ETHLENA, HOUSE	255 SW 13TH ST, DANIA	c1933 Mission		
BD02733	SS	PARDO, JOHN, HOUSE	224 SW 14TH ST, DANIA	c1931 Mission		
BD02734	SS	DRAGOO, EUGENE D, HOUSE	225 SW 14TH ST, DANIA	c1944 Mission		
BD02735	SS	REEVES, JD & SHIRLEY, HOUSE	310 SW 14TH ST, DANIA	c1941 Moorish Revival		
BD02736	SS	KODNER, BRUCE, HOUSE	113 N FEDERAL HWY, DANIA	c1920 Frame Vernacular		
BD02737	SS	MANCUSI, JOSEPH A, HOUSE		Frame Vernacular		
BD02738	SS	ESTES, VAN P & CYNTHIA ANN, HOUSE	218 S FEDERAL HWY, DANIA	-RESOURCE DESTROYED- Frame Vernacular		
BD02739	SS	ELY ANTIQUES				
BD02740	SS	POUTINEN, WAYNE, HOUSE	537 S FEDERAL HWY, DANIA	-RESOURCE DESTROYED- 1939 Frame Vernacular		
BD02741	SS	CREATIVE WORKSHOP	118 NW PARK ST, DANIA	-RESOURCE DESTROYED- c1915 Frame Vernacular		
BD02742	SS	DANIA PHOENIX CORP	105 NW 1ST AVE, DANIA	c1915 Frame Vernacular		
BD02743	SS	KODNER, BRUCE, HOUSE #2	105 NW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1915 Frame Vernacular		
BD02744	SS	GELLMAN, ARNOLD R TR, HOUSE	214 NW 1ST AVE, DANIA	c1915 Frame Vernacular		
BD02745	SS	MCSHANE, IRENE, HOUSE	218 NW 1ST AVE, DANIA	c1915 Frame Vernacular		
BD02746	SS	BOAR BOARDING HOUSE	225 NW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1924 Frame Vernacular		
BD02747	SS	MCELYEA, C & CAROLE, HOUSE	110 SW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1904 Frame Vernacular		
BD02748	SS	MCELYEA, C & CAROLE, HOUSE #2	118 SW 1ST AVE, DANIA	c1904 Frame Vernacular		
BD02749	SS	MCELYEA, C & CAROLE, HOUSE #3	124 SW 1ST AVE, DANIA	c1904 Frame Vernacular		
BD02750	SS	DANIA PROFESSIONAL BLDG CORP	122 SW 1ST AVE, DANIA	-RESOURCE DESTROYED- c1915 Frame Vernacular		
BD02751	SS	DANIA PRO BLDG CORP, HOUSE #2	128 SW 1ST AVE, DANIA	c1915 Frame Vernacular		
BD02752	SS	JOSE, FRANK A, HOUSE	130 SW 1ST AVE, DANIA	c1915 Frame Vernacular		
BD02753	SS	129 SW 1ST CT	129 SW 1ST CT, DANIA	c1915 Frame Vernacular		
BD02754	SS	SMITH, WILLIAM HENRY, HOUSE	117 SW 1ST CT, DANIA	-RESOURCE DESTROYED- c1915 Frame Vernacular		
BD02904	AR	STIRLING SITE				
BD03221	RG	DANIA CANAL	Dania Beach	Linear Resource	Not Eligible	
BD03352	SS	ROE F. STAFFORD RESIDENCE	30 SHERIDAN ST, DANIA BEACH	-RESOURCE DESTROYED- 1950 Frame Vernacular	Not Eligible	
BD03353	SS	42 SHERIDAN STREET	42 SHERIDAN ST, DANIA BEACH	1947 Moderne	Not Eligible	
BD03354	SS	48 SHERIDAN STREET	48 SHERIDAN ST, DANIA BEACH	1942 Moderne	Not Eligible	
BD03355	SS	1518 SW 2ND AVE	1518 SW 2ND AVE, DANIA BEACH	1947 Frame Vernacular	Not Eligible	
BD03356	SS	WALTER D. SCOTT HOUSE	220 SHERIDAN ST, DANIA BEACH	-RESOURCE DESTROYED- 1935 Frame Vernacular	Not Eligible	
BD03361	SS	18 A & B SE 15TH STREET (DUPLEX)	18 A & B SE 15TH ST, UNSP	1950 Masonry Vernacular	Not Eligible	
BD03395	SS	1466 South Dixie Highway	1466 S Dixie HWY, Dania Beach	1949 Commercial	Not Eligible	
BD03396	SS	1464 South Dixie Highway	1464 S Dixie HWY, Dania Beach	1952 Masonry Vernacular	Not Eligible	
BD03407	SS	1331 South Federal Highway	1331 S Federal HWY, Dania Beach	1946 Commercial	Not Eligible	
BD03408	SS	1550 South Federal Highway	1550 S Federal HWY, Dania Beach	1953 Commercial	Not Eligible	
BD03409	SS	1290 South Federal Highway- Palms Inn	1290 S Federal HWY, Dania Beach	1951 Spanish Colonial	Not Eligible	
BD03410	CM	West Lawn Cemetery	Dania Beach	Established 1918, Graves = 150	Not Eligible	
BD03948	SS	14 SE 15th Street	14 SE 15th ST, Hollywood and Dania Beach	-RESOURCE DESTROYED- 1955 Frame Vernacular	Not Eligible	
BD03949	SS	248 Sheridan Street	248 Sheridan ST, Dania Beach	1952 Masonry Vernacular		

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD03950	SS	326 Sheridan Street	326 Sheridan ST, Dania Beach	1951 Masonry Vernacular		
BD03951	SS	322 Sheridan Street	322 Sheridan ST, Dania Beach	1955 Masonry Vernacular		
BD03952	SS	320 Sheridan Street	320 Sheridan ST, Dania Beach	1954 Masonry Vernacular		
BD03953	SS	306 Sheridan Street	306 Sheridan ST, Dania Beach	1955 Masonry Vernacular		
BD03954	SS	300 Sheridan Street	300 Sheridan ST, Dania Beach	1955 Masonry Vernacular		
BD03955	SS	266 Sheridan Street	266 Sheridan ST, Dania Beach	1955 Masonry Vernacular		
BD03956	SS	260 Sheridan Street	260 Sheridan ST, Unspecified	1952 Masonry Vernacular		
BD03957	SS	254 Sheridan Street	254 Sheridan ST, Dania Beach	1952 Masonry Vernacular		
BD03959	SS	Stracke Residence	14 SE 15th ST, Dania Beach	c1955 Masonry Vernacular		
BD03960	SS	218 Sheridan Street	218 Sheridan ST, Dania Beach	1952 Mediterranean Revival		
BD03961	SS	36 Sheridan Street	36 Sheridan ST, Dania Beach	1956 Masonry Vernacular		
BD04087	RG	Railroad Tracks	Pompano Beach	Linear Resource - 1 Contrib Resources	Eligible	
BD04160	SS	Bleep's Sub Shop	50 E Dania Beach BLVD S, Dania Beach	c1957 Moderne	Not Eligible	
BD04161	SS	California Accessories	123 E Dania Beach BLVD N, Dania Beach	c1958 Moderne	Not Eligible	
BD04162	SS	Villa L. Hommei Motel Building B	135 E Dania Beach BLVD N, Dania Beach	c1958 Moderne	Not Eligible	
BD04163	SS	Villa L. Hommei Motel Building A	135 E Dania Beach BLVD N, Dania Beach	c1949 Mediterranean Revival	Not Eligible	
BD04164	SS	Fabulous Fabrics and More	218 E Dania Beach BLVD S, Dania Beach	c1955 Masonry Vernacular	Not Eligible	
BD04165	SS	Shoreline Gallery	226-232 E Dania Beach BLVD S, Dania Beach	c1955 Masonry Vernacular	Not Eligible	
BD04166	SS	3's Company Ristorante Italiano	242 E Dania Beach BLVD S, Dania Beach	c1953 Masonry Vernacular	Not Eligible	
BD04167	SS	Golf View Motel	254 E Dania Beach BLVD, Dania Beach	c1953 Masonry Vernacular	Not Eligible	
BD04168	SS	Citibank	255 E Dania Beach BLVD N, Dania Beach	c1957 Moderne	Not Eligible	
BD04169	SS	911 Food Stores	450 E Dania Beach BLVD S, Dania Beach	c1958 Moderne	Not Eligible	
BD04170	SS	San Soucy Apartments	480 E Dania Beach BLVD S, Dania Beach	-RESOURCE DESTROYED- c1953 Moderne	Not Eligible	
BD04171	SS	Kings Head Pub	500 E Dania Beach BLVD S, Dania Beach	c1953 Masonry Vernacular	Not Eligible	
BD04173	SS	Neptune Fire Works	768 E Dania Beach BLVD S, Dania Beach	c1958 Masonry Vernacular	Not Eligible	
BD04176	RG	Dania Beach Main Street Historic Dist	Dania Beach	Historical District - 19 Contrib Resources	Eligible	
BD04177	SS	301 E Dania Beach Blvd	301 E Dania Beach BLVD N, Dania Beach	c1953 Moderne	Not Eligible	
BD04178	SS	801 E Dania Beach Blvd	801 E Dania Beach BLVD N, Dania Beach	c1953 Not applicable	Not Eligible	
BD04227	RG	Dixie Highway	Dania Beach/Hollywood	Linear Resource - 1 Contrib Resources	Eligible	
BD04373	RG	Federal Highway	Deerfield Beach	Linear Resource - 1 Contrib Resources	Insufficient Info	
BD04432	RG	Griffin Road	Dania Beach	Linear Resource - 1 Contrib Resources	Not Eligible	
BD04776	RG	SR-A1A	Lauderdale-by-the-Sea	Linear Resource - 1 Contrib Resources	Not Eligible	
BD04863	BR	FEC Bridge over Dania Canal	FEC Railway/Dania Cut-Off Canal	1927 - FDOT #0	Eligible	
BD07583	RG	Sheridan Street/SR 822	Hollywood	Linear Resource - 1 Contrib Resources	Not Eligible	



ATTACHMENT VIII

Hurricane Evacuation Procedures

HURRICANE EVACUATION (RELOCATION) PROCEDURE

The following will be the procedure followed if evacuation (relocation) is necessary in the event of an incoming hurricane or severe natural disaster.

All evacuation routing will be coordinated through the EOC and BSO.

Directives as to the accessibility of specific causeway(s), streets, or other routes of travel will be identified via radio messages (WSBR AM 74, WIOD 610 AM, or WKIS FM 99.9). Public address vehicles will patrol the affected areas to broadcast pertinent information.

Surveillance groups (Police, Fire and other City Personnel) will report at regular intervals to the EOC for the purpose of assessing building, road and bridge conditions. City building inspectors will assess and report on the condition of various buildings. The BSO, through the use of patrol cars, will assess bridges and roadways, reporting hourly on road flooding and bridge conditions.

In the event that private modes of transportation are unavailable, public transportation (buses) will be utilized. Pick-ups and routing will be coordinated through the EOC per Broward County Evacuation Routes.

When horizontal (road travel) evacuation is too dangerous, vertical evacuation (in buildings 4 stories or more) will be suggested. This message will be transmitted via radio communications and/or surveillance group public address systems.

HURRICANE EVACUATION PLAN (Residents & Visitors)

This plan will provide for an orderly and coordinated evacuation of City of Dania Beach residents and visitors to minimize the loss of life and suffering that could be caused by the effects of hurricanes.

The plan is designed for use in hurricane situations.

Based on the predicted severity of a particular hurricane, evacuation may be required from coastal areas, from low-lying inland areas, and during any hurricane from mobile homes.

Particularly vulnerable to severe wave action and the effects of tidal surge is that area east of the Intracoastal water way with only one westward egress route available whose approaches could become inaccessible due to high water, probability of evacuating this area merits foremost consideration.

It is anticipated that at the earliest threat of the possible approach of a hurricane, many residents and visitors will begin evacuating to distant inland points on their own initiative. This will not be discouraged but the increase in traffic will require monitoring by law enforcement agencies. Significant increase in this early evacuation traffic will be reported to the Broward Sheriff's Office for dissemination to adjacent jurisdictions for their preparation for potential impact.

Privately owned vehicles are the principal source of evacuation transportation and must be utilized fully.

Broward County Mass Transit buses, augmented by County school buses if necessary, will be positioned at designated pick-up points to provide transportation to refugees for those individuals who have not been able to make other arrangements.

Temporary Refuges:

Public or private high-rise buildings, preferably west of the Intracoastal Waterway, of substantial construction used as temporary, quick access haven from hurricane winds and high water.

1. Refuges are expected to be occupied for more than six to twelve hours. Persons seeking safety in temporary refuges, whether a public or private building, will occupy only the common use areas of the building such as corridors, hallways, stairwells, lobbies, etc. no other areas will be used except with the permission of the owners or tenants concerned.
2. Occupants of temporary refuges can only expect to have access to available drinking fountains, public sanitary facilities and any existing food, drink or candy vending machines.
3. Anything less than exemplary conduct on the part of the occupants of temporary regress cannot be tolerated.

Central control and coordination of evacuation movement will emanate from the Broward County Emergency Operating Center (EOC) in the Courthouse. Communications will be maintained between municipal evacuation coordinators and the Broward Sheriff's Office evacuation coordinator in the EOC to report progress of evacuation movement and for resolution of problems that could impact the overall evacuation operation.

Reentry into evacuated areas will be permitted only after it is determined by damage assessment teams that there no longer exists any hazard to public health or safety. Traffic control will continue to facilitate movement of rescue and other emergency forces.

SPECIAL ATTENTION

Fire stations are not places of refuge and shall not be utilized as such. Exceptions can be made by the BSO DFRES Command Staff in the case of an emergency.

Evacuation – District 7:

As part of the Broward County Hurricane Evacuation Plan, the City of Dania Beach has been designated District 7.

To provide information in the event evacuation is necessary, the Broward County Transportation Planning Unit did an extensive study of the coastal area of Broward. The following information applies to District 7.

1. Evacuation route is west on Griffin Road, Stirling Road or Sheridan Street
2. There would be 500 to 1,000 autos to evacuate.
3. Total persons to evacuate in District 7 is approximately 3,000.
4. About _____ persons would have to be evacuated by County provided buses.
5. Persons evacuating by bus should be allowed only one carry on package and no pets will be permitted. Limited baggage will permit 60 people to be transported on each bus.

Evacuation of Handicapped:

Evacuation of handicapped: SPECIAL NEEDS SHELTERS for Broward County, **(954) 831-3902**. *Pre-registration is required.* Section of selected schools listed below will be set aside for special needs.

No one is to be left behind even if a Broward Sheriff's Office or Fire Rescue vehicle has to be used. Pick up points for bus evacuation District 7:

District 7 – Dania Beach/Hollywood/Fort Lauderdale

NE 2 Street & NE 5 Avenue	-	bus will stop on SE side of street
NE 5 Avenue & Dania Beach Blvd.	-	bus will stop on SW side of street
SE 5 Avenue & SE 4 Street	-	bus will stop on SW side of street
SE 10 Street & SE 5 Avenue	-	bus will stop on SW side of street
Sheridan Street & N 14 Ave	-	bus will stop on SW side of street
Old Griffin Road & Federal Hwy	-	bus will stop on NW side of street to I-95
Stirling Road & Federal Hwy	-	bus will stop on NW side of street to I-95

BCT – Broward County Transit: Depending on time of day and day of week, buses will be a mix of school and County transit buses. All evacuees will be transported via buses to the closest available shelter. The Broward Sheriff's Office will assist as needed to assure the smooth flow of the evacuation process.

Broward County Transit (BCT) Emergency Services

Hurricane Evacuation Services

In the event of a hurricane, BCT buses are called upon to assist in the evacuation of residents who are unable to make other arrangements for transportation to designated shelters. Transportation for residents with Special Needs will be coordinated through Broward County Human Services Department and BCT's Paratransit (TOPS). See the hurricane evacuation map and shelter list [insert].

After an evacuation order is given from the County Administrator, if buses are already in service, BCT will start to wind down service gradually, end normal bus service, and implement its evacuation plan. Evacuation service will coincide with the opening of the American Red Cross shelters. It will not begin before shelters are open. The pick-up points for evacuation are at any regular BCT bus stop along A1A and Federal Highway.

In the case of a Category 1 or 2 hurricane (Evacuation Plan A), buses will pick up along A1A. In a Category 3 or higher (Evacuation Plan B), bus pick-up points will include A1A and Federal Highway.

Pick-up points are at any regular bus stop located along A1A on the beaches, and/or Federal Highway in a Category 3 or higher. Those evacuating from these areas can flag down any BCT bus for pick-up. All buses will be marked "Emergency Evacuation" on the head sign.

Evacuation service will continue as long as weather permits.

Broward County Transit Paratransit Services section coordinates the transportation of persons with disabilities to and from shelters through the TOPS (Transportation Options). Pre-registration is required at (954) 357-8400 ext. 1 then press 1 again. Residents requiring Special Needs sheltering please call (954) 831-3902 (TTY) 954- 831-3940.

Special Needs Shelter: These shelters are for persons with medical conditions who do not require hospitalization. They provide basic medical assistance and monitoring. Pre-registration is strongly recommended by calling 954-831-3902 (TTY 954-831-3940).

Pet-Friendly Shelter: Staying with family, friends or at a pet-friendly hotel outside an evacuation zone should be your first and best option. Pet-friendly shelter(s) is available on a first-come basis. Pets accepted include: dogs, cats, domestic birds, rabbits, gerbils, guinea pigs, mice and hamsters. All pets must be in a carrier/crate and all dogs must have a collar with leash. Evacuees must show proof of rabies certificate for dogs and cats. Residents should also be prepared to show their pet's Broward County Registration Tag. Evacuees should bring necessary care supplies for a week such as, supply of food and water, food/water bowls, cat litter and litter box, medicine, cleaning supplies, etc.

General Population and Pet-Friendly Shelters

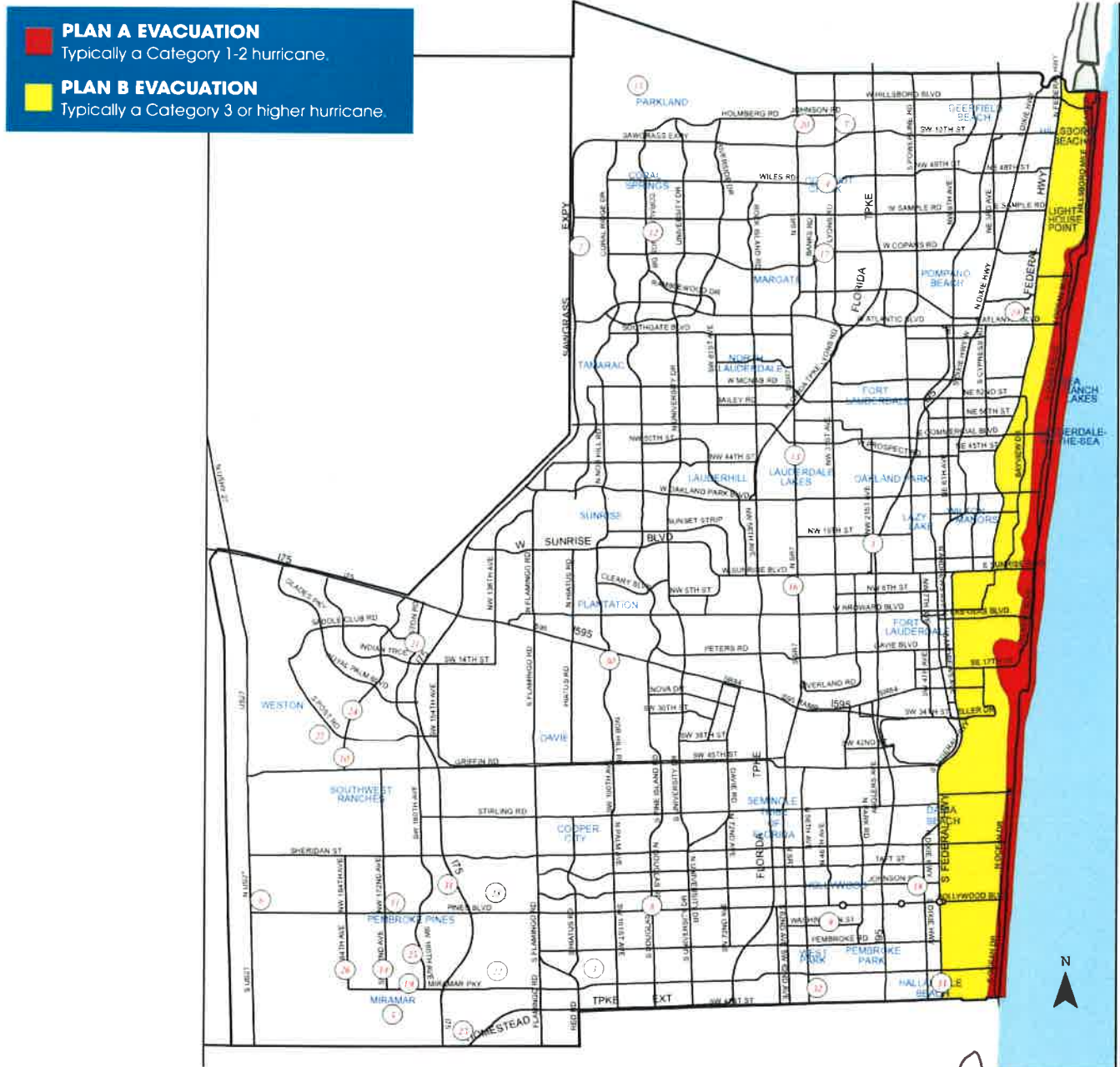
- 1) **Arthur Ashe/Rock Island**
1701 NW 23rd Avenue, Ft. Lauderdale 33311
- 2) **Coral Glades High School**
2700 Sports Plex Drive, Coral Springs 33065
- 3) **New Renaissance Middle School**
10701 Miramar Blvd, Miramar 33025
- 4) **Monarch High School**
5050 Wiles Road, Coconut Creek 33073
- 5) **Everglades High School - Pet Friendly**
17100 SW 48th Court, Miramar 33027
- 6) **West Broward High School**
500 NW 209th Avenue, Pembroke Pines 33029
- 7) **Lyons Creek Middle School - Pet Friendly**
4333 Sol Press Blvd, Coconut Creek 33073
- 8) **Pines Middle School**
200 NW Douglas Road, Pembroke Pines 33024
- 9) **Orange Brook Elementary School**
715 S. 46th Avenue, Hollywood 33021
- 10) **Falcon Cove Middle School - Pet Friendly**
4251 Bonaventure Blvd, Weston 33332
- 11) **Panther Run Elementary School**
801 NW 172nd Avenue, Pembroke Pines 33029
- 12) **Parkside Elementary School**
10257 NW 29th Street, Coral Springs 33065
- 13) **Park Lakes Elementary School**
3925 N. State Rd 7, Lauderdale 33319
- 14) **Silver Lakes Elementary School**
2300 SW 173rd Avenue, Miramar 33027
- 15) **Park Trails Elementary School**
10700 Trails End Road, Parkland 33076
- 16) **Plantation Elementary School**
651 NW 42nd Avenue, Plantation 33017
- 17) **Liberty Elementary School**
2450 Banks Road, Margate 33063
- 18) **Beachside Montessori Village Elementary School**
2230 Lincoln Street, Hollywood 33020
- 19) **Dolphin Bay Elementary School**
16450 Miramar Parkway, Miramar 33027
- 20) **Tradewinds Elementary School**
5400 Johnson Road, Coconut Creek 33073
- 21) **Gator Run Elementary School**
1101 Glades Parkway, Weston 33327
- 22) **Coconut Palm Elementary School**
13601 Monarch Lakes Blvd, Miramar 33027
- 23) **Coral Cove Elementary School**
5100 SW 148th Avenue, Miramar 33027
- 24) **Everglades Elementary School**
2900 Bonaventure Blvd, Weston 33331
- 25) **Silver Shores Elementary School**
1701 SW 160 Avenue, Miramar 33027
- 26) **Sunset Lakes Elementary School**
18400 SW 25th Street, Miramar 33029
- 27) **Manatee Bay Elementary School**
19200 Manatee Isles Dr., Weston 33332
- 28) **Lakeside Elementary School**
900 NW 136th Avenue, Pembroke Pines 33026
- 29) **Pompano Beach High School**
600 NE 13th Avenue, Pompano Beach 33060
- 30) **Fox Trail Elementary School**
1250 Nob Hill Road, Davie 33324
- 31) **Silver Palms Elementary School**
1209 NW 155th Avenue, Pembroke Pines 33028
- 32) **Watkins Elementary School**
3520 NW 52nd Avenue, Pembroke Park 33023
- 33) **Hallandale Elementary School (Gulfstream Academy)**
1000 SW 8th Street, Hallandale 33009



EMERGENCY SHELTER MAP

The following shelters may not all open during a state of emergency. They are opened as needed. If possible, staying with family or friends outside an evacuation zone is your first and best option. Monitor Broward County's website, Broward.org/Hurricane, local television stations or call our Emergency Hotline at 311 or 954-831-4000 for actual shelter openings. Emergency shelters are a service of the Broward County Commission and the Broward County School Board.

Persons located in low lying areas or beside tidal bodies of water should seek shelter elsewhere if conditions warrant. **ALL** mobile home residents must evacuate in PLAN A and PLAN B and may be ordered to evacuate if tropical storm conditions warrant.



A service of the Broward County Board of County Commissioners. An equal opportunity employer and provider of services.

1,000 copies of this public document were promulgated at a gross cost of \$205, or \$0.205 per copy, to provide members of the public with emergency preparedness information. PI201867423

HURRICANE SHELTERS

The following are **Hurricane Shelters** listed for the south county area [reference Broward County Emergency Shelter Map for complete listing, (page 99):

Arthur Ashe/Rock Island	1701 NW 23 Avenue, Ft. Laud.	(754) 322-2800
Plantation Elementary	651 NW 42 Avenue, Plantation	(754) 322-8000
Everglades High	17100 SW 48 Court, Miramar	(754) 323-0500
New Renaissance Middle	10701 Miramar Blvd., Miramar	(754) 323-3500
West Broward High	500 NW 29 Avenue, Pembroke Pines	(754) 323-2600

****PET FRIENDLY SHELTERS**

Lyons Creek Middle School	4333 Sol Press Blvd, Coconut Creek	(754) 322-3700
Everglades High School	17100 SW 48 Court, Miramar	(754) 323-0500
Falcon Cove Middle School	4251 Bonaventure Blvd. Weston	(754) 323-3200

**Residents who need to use the pet-friendly shelter at Lyons Creek Middle no longer need to pre-register to use the shelter. Instead, residents can go directly to Lyons Creek Middle, 4333 Sol Press Blvd., Coconut Creek.

****Residents need to bring proof of rabies vaccination and pet registration, a photo of their pet and proof of residency in Broward County. Pet owners must provide their own pet food and supplies.** **Pets

accepted include: dogs-cats-birds- rabbits-gerbils- guinea pigs- mice- and hamsters.

The shelters will be operated under the direction of Red Cross. Citizens should listen to radio stations **WKQS 99.9 FM, WIOD 610 AM, or WINZ 940 FM** for weather advisories and shelter information.

People electing to use the shelters should bring **only** necessary items to sustain their families for 48 hours. Only the essential items should be brought to the shelter. Space will be limited, so **plan carefully** in order to avoid inconveniencing others.

WHAT TO BRING TO A SHELTER

- Food & water- Bring snacks, bottled water and non-perishable canned or packaged food
- Medications- Bring prescriptions, glasses & contacts and durable medical equipment
- Clothing- Bring a (2) complete change of clothes and footwear
- Bedding- This includes blankets, pillows and sleeping bags
- Hygiene Items- Bring hand sanitizer, toothbrush/toothpaste, sanitary items, hearing aids, dentures
- Important papers- This includes ID, proof of residency, photocopies of important documents
- Manual can opener, disposable utensils, plates, etc.
- Baby food and disposable diapers
- Cash- This is just in case the banking systems go down and your debit card doesn't work
- Entertainment items- This includes puzzles, toys for children, books/magazines, playing cards
- Miscellaneous- Cell phone charger, battery powered radio, first aid kit, flashlights

Service animals are permitted in General Population Shelters so long as the pet meets the requirements under Federal law. Visit [ADA Requirements for Service Animals](#) for additional information.

DO NOT BRING TO A SHELTER:

- Alcoholic beverages
- Guns/weapons
- Pets (except assistance dogs), unless pre-registered at a specifically designated site.

Valuables such as jewelry, stocks / insurance policies [original documentation], etc., should be placed in safe deposit boxes and should not be brought to the shelter.

LOCAL HOSPITALS CLOSEST TO DANIA BEACH

Memorial Regional Hospital- Includes a Trauma Center

3501 Johnson Street, Hollywood, Florida 33021

(954) 987-2000

Website: www.mhs.net

Broward Health Medical Center- Includes a Trauma Center

1600 S Andrews Avenue, Fort Lauderdale, FL

(954) 355-4400

Website: www.browardhealth.org

Joe DiMaggio Children's Hospital- Includes a Trauma Center

1005 Joe DiMaggio Drive, Hollywood, FL 33021

(954) 265-5324

Website: www.jdch.com

PUBLIC SERVICES

NOAA Weather Radio “National Weather Service” (NWS) – *All-Hazards Emergency Messages*

Working with other Federal agencies and the Federal Communications Commission (FCC), Emergency Alert System (EAS). NOAA is an all-hazards radio network, making it the single source for the most comprehensive weather and emergency information available to the public.

Miami tower coverage: Miami, Broward, Miami-Dade, Northern Monroe

Site Name- Miami

Transmitter Name- Miami/Andover

Call Sign- KHB34

Frequency- 162.550

Power- 1000

WFO- Miami, Florida

TV Simulcasting Radios

WPBT Channel 2 – Public Broadcasting

See WFPR-TV Channel 4 listing below. 710 [AM]

WFOR Channel 4 – CBS Network

WBFS-TV Channel 13

WIOD 610 [AM], WINZ 940 [AM], WLRN-TV Channel 2

WTVJ Channel 6 - NBC Network

Power 96.5 [FM], KISS 99.9 [FM], WQAM 560 [AM], WLRN 91.3 [FM]

WSVN Channel 7 – Fox Network

Hot 105 [FM], 99 Jam [FM], 97.7 Coast [FM], 93 Rock [FM]

WPLG Channel 10 - ABC Network

South Florida Classical 89.7 [FM]

PUBLICATIONS TO RECEIVE PRESS RELEASES

SUN SENTINEL

(954) 356-4500

THE MIAMI HERALD BROWARD EDITION

(800) 843-4372

ONLINE

The Sun-Sentinel will bring you
the latest news and weather information during a storm at:

www.sun-sentinel.com/storm
mobile@sun-sentinel.com

The Miami Herald

www.herald.com

ATTACHMENT IX

Draft AFU Restrictive Covenant

Return to: (enclose self-addressed stamped envelope)

Name: Leigh R. Kerr, AICP, President

Address:

808 E. Las Olas Blvd #104

Fort Lauderdale, FL 33301

This Instrument Prepared by:

Leigh R. Kerr, President

Leigh Robinson Kerr & Assoc., Inc.

808 E. Las Olas Blvd #104

Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ of _____, 2021, by **CITY OF Dania Beach**, a Public Entity, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF Dania Beach**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Declarant made applications to Broward County and the County Planning Council requesting that the land use plan designation on the Property be changed to add up to 4,000 dwelling units within the City of Dania Beach Regional Activity on both the City of Dania Beach Land Use Plan and County Land Use Plan in conjunction with redevelopment of the Property ("Project"); and

WHEREAS, the Property is subject to the affordable housing restrictions set forth in this Declaration. Declarant agrees to require 15 % of the unit pool utilized consistent with the affordable housing restrictions set forth herein up to a maximum of 600 dwelling units.

WHEREAS, in connection with the Project, Declarant has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County; and

WHEREAS, Declarant agrees to make certain provisions for affordable housing for the period of time provided herein.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Declarant hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. Declarant hereby declares the following: Fifteen (15) percent of the residential units to be constructed on the Property shall be affordable income units as defined in the County Comprehensive Plan, and as further restricted by this Declaration ("Affordable Housing Units"). If fifteen (15) percent of the actual residential units to be constructed on the Property does not yield a whole number of Affordable Housing Units, the partial of Affordable Housing Units yielded shall be rounded up to the next whole number.

3. Affordable Housing Units Offered For Sale. In the event of a Conversion, Declarant hereby declares all Affordable Housing Units offered for sale shall be purchased in accordance with the following:

(a) All Affordable Housing Units constructed on the Property shall be used solely as each owner's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and

(b) All Affordable Housing Units shall be purchased solely by persons who meet the following criteria at the time of purchase of an Affordable Housing Unit. "Purchased" shall be defined to mean by sale, inheritance, court order, or other legal method of transfer or acquisition.

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income; and

3) Excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price; and

4) During the term of this Declaration, as defined herein, every deed of sale or equivalent document transferring title to the Affordable Housing Unit shall include a restriction stating as follows:

This property is to be sold and occupied as an "Affordable Housing Unit," in accordance with the Declaration of Restrictive Covenants recorded in the Official Records of Broward County at O.R. Book _____, Page_____.

5) Prior to any transfer of title or closing on a purchase of an Affordable Housing Unit, each purchaser shall cause to be provided to the County written certification that the criteria in (b) 1), 2), and 3) above have been satisfied.

(c) At the time of sale of any Affordable Housing Unit, Declarant shall record a Notice of Designation of Affordable Housing Unit (an "Affordable Housing Notice") corresponding to the sale, the form of which Affordable Housing Notice is set forth on "Exhibit B" attached hereto and incorporated herein.

4. Affordable Housing Units Offered For Rent. Declarant hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:

(a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and

(b) All Affordable Housing Units shall be rented solely by persons who meet the following criteria at the time of lease:

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

(c) On an annual basis, beginning no later than 12 months after the Effective Date of this Declaration, the owner of a Affordable Housing Unit offered for rent shall (through owner or owner's property manager or other owner representative) cause to be provided to the City written certification that the criteria in 4(b) has been satisfied.

5. Amendments. Except as otherwise provided herein, this Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County and City. The appropriate governmental authority of the County and City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense. No amendment to this Declaration shall be necessary in the event of a Conversion (as may occur from time to time).

6. Recordation and Effective Date.

(a) This Declaration shall not become effective ("Effective Date") until the later of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida. As used herein, "Final Approval" shall mean final approval and adoption of the Unincorporated/County plan amendment application and the County plan amendment application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.

(b) Once recorded, this Declaration shall run with the Property for the sole benefit of the City and the County and does not operate as a restriction in favor of any Property owner, and shall bind all successors and assigns to the title of the Property.

(c) From and after such time as any Affordable Housing Unit is conveyed by Declarant to a third party purchaser, following a Conversion, Declarant shall have no further obligations under this Declaration with respect to that particular Affordable Housing Unit and such third party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

7. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

8. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

10. Term. Release and Termination. The restrictions, covenants, rights and privileges granted, made and conveyed herein ("Affordable Housing Restrictions") shall be valid for a period of thirty (30) years from the Effective Date ("Term"); thereafter the Affordable Housing Restrictions shall be of no further force and effect and shall automatically terminate without the consent of the City or the County, or the necessity to record any instrument in the Public Records of Broward County, Florida.

11. Remedies for Violation. In the event the Declarant, its successors or assigns, violate any of the covenants and restrictions contained herein, Declarant hereby acknowledges and agrees that the County may withhold further permits and approvals with respect to the Property, provided the County first provides Declarant with written notice and thirty (30) day opportunity to cure the violation. The County's option to withhold further permits and approvals with respect to the Property shall not be exercised if within the thirty (30) day notice period: (i) the violation is cured by Declarant; or (ii) the violation cannot reasonably be cured within that time period but the Declarant begins to cure such violation within such time period and thereafter diligently pursues such cure to completion, with such diligence period not to exceed one hundred and twenty (120) days from the date of the notice of violation. The County is the beneficiary of these covenants and restrictions, and as such, the County may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

12. Waiver. Any failure of the County to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day first above written.

CITY OF DANIA BEACH
a public entity.

Printed Name:_____

By:_____

Printed Name: _____

STATE OF _____)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of CITY OF DANIA BEACH, Inc., a public entity, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT A
Map of City of Dania Beach Regional Activity Center

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

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Notice of Designation of Affordable Housing Unit

By recordation of this Notice, _____ hereby designates for the Restriction Period, as hereinafter defined, the following unit as an "Affordable Housing Unit," as defined by that certain Declaration of Restrictive Covenants recorded in Official Records Book_____, Page _____ of the public records of Broward County, Florida, which requires that Affordable Housing Units be sold only to persons who meet the following criteria at the time of sale: (a) one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of Broward County's median income as reported by the United States Department of Housing and Urban Development and adjusted to family size; and (b) the purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

Unit Address

and/or Unit Number: _____

The restriction of the foregoing designation shall be thirty (30) years from the recordation of this Notice against the applicable Affordable Housing Unit or until the expiration of the Term of the underlying Declaration, whichever time period expires first ("Restriction Period").

Witnesses:

By _____

Name typed:

Name:

Address:

Name typed:

_____ day of _____, 20____

Printed Name: _____

Printed Name: _____

STATE OF _____)
) SS
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of _____, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 20__.

Notary Public

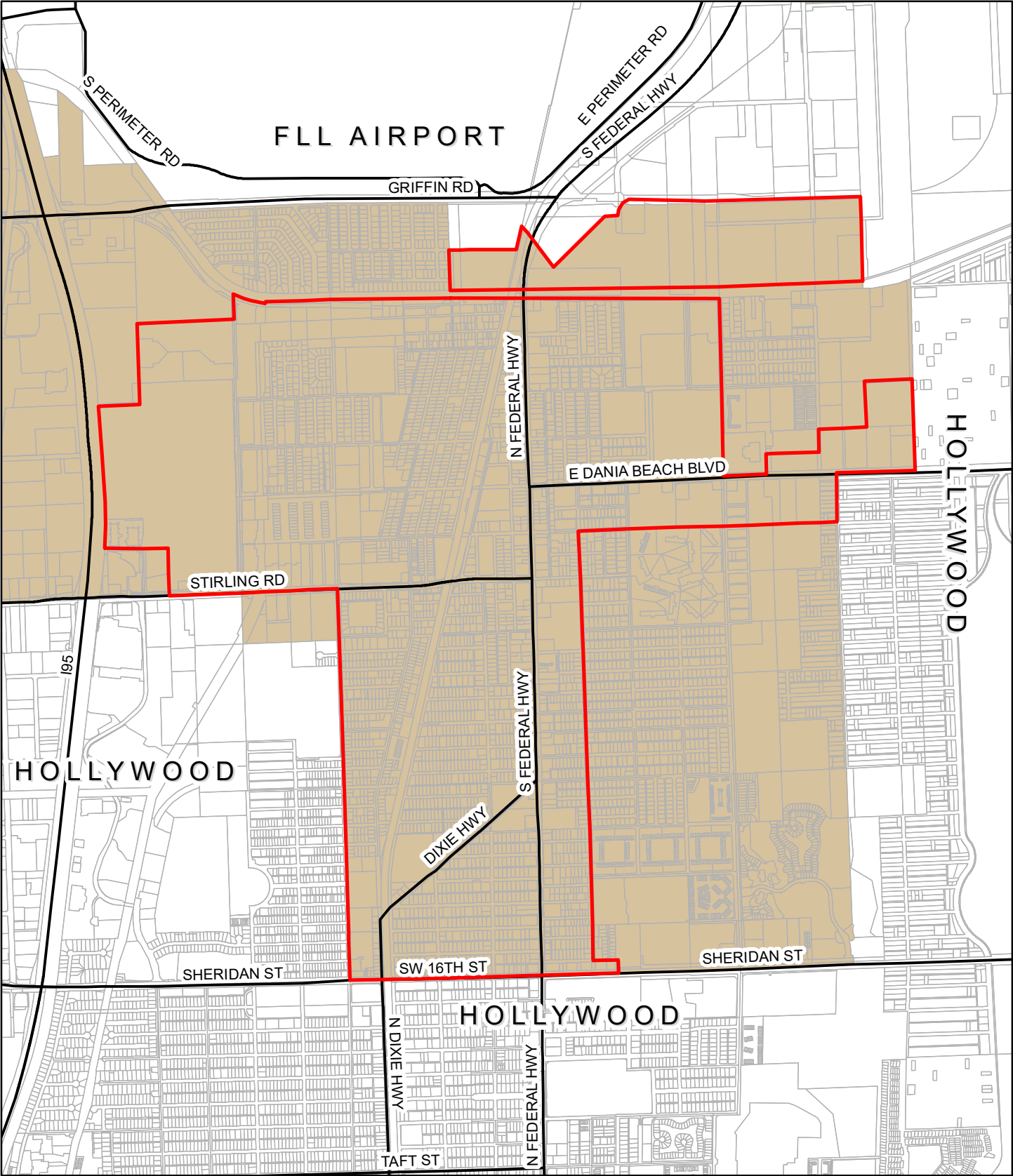
Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBITS

Location Map	A
Text Amendment	B

EXHIBIT A: LOCATION MAP



-  RAC District
-  City of Dania Beach



EXHIBIT B

TEXT AMENDMENT (CITY) (UPDATED SEPTMBER 7, 2023)

Dania Beach Regional Activity Center

Dania Beach Regional Activity Center land use designation – density and intensity specifications.

Land Uses: Maximum Intensity (unless otherwise indicated)

Residential*:	2,348 single family homes 286 duplexes 2,047 townhomes 972 garden apartments 2,165 mid- <u>or high</u> -rise apartments <u>317 single family homes/duplexes</u> <u>3,683 multi family units</u>
Commercial:	<u>2964.0</u> acres plus an additional 500,000 s.f. of commercial floor area approved with the former LAC.
Industrial:	247.5 acres
Employment Center:	74.5 acres
Transportation:	6.5 acres
Hotel:	640 rooms
Community Facilities:	36.2 acres (or as needed)
Parks & Recreation:	40.5 acres (minimum)
Conservation:	2.6 acres (minimum)
Utilities:	2.5 acres (or as needed)

*Dwelling units for any given category (ex: single-family, townhouse, etc.) may be substituted for dwelling units of another category provided that the substitution results in the same or lesser student generation rates.

At least 600 (15%) of the additional 4,000 dwelling units permitted by PCT 22-7 will be affordable at the “moderate-income” (up to 120% of the median income) level or below for a minimum period of 30 years.

Prior to the site plan approval of unit 2,001 of the 4,000 additional dwelling units, the City shall demonstrate that at least 300 of the permitted or built units are deed restricted as affordable (up to 120% of area median income adjusted for family size) for a period of at least 30 years. If the City is unable to demonstrate that at least 300 of the permitted or built dwelling units meet that criteria, no additional market rate units shall be permitted or built until such time that the City provides an implementation action plan or program that is reviewed by the Planning Council and approved by the County Commission. Per Broward County Land Use Plan Policy 2.4.12, a written record reflecting the current status of allocated or assigned dwelling units shall be transmitted to the Planning Council twice per year, during the months of January and July, and shall include the referenced affordable units, including the location and annual confirmation of income certification.

Objective XXVII - Encourage compact development reflecting characteristics which include a mixture of community-serving uses such as commercial, office, employment, civic, and institutional, recreation and open space, and residential, characterized by an efficient infrastructure, close-knit neighborhoods and sense of community, preservation of natural systems, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of a Regional Activity Center land use category.

Encourage attractive and functional mixed living, employment, shopping, education and recreational activities in the City of Dania Beach Community Redevelopment Area (CRA) by establishing within the Dania Beach Land Use Plan a Regional Activity Center.

Policy 27.1 The development of the Regional Activity Center shall be guided by the Community Redevelopment Agency's Redevelopment Master Plan and consistent with all elements of this plan.

Policy 27.2 The Dania Beach Regional Activity Center shall support the location of uses and internal circulation such that pedestrian mobility is a priority. All land uses in the Dania Beach Regional Activity Center shall be directly accessed via pedestrian ways, and accessible to existing or future alternate public transportation modes, including bicycle and transit.

Policy 27.3 Non-motorized transportation as well as mass transit shall be encouraged to serve the Dania Beach Regional Activity Center to reduce reliance upon automobile travel.

Policy 27.4 Park land and/or open space that is accessible to the public shall be included as a functional component within the Dania Beach Regional Activity Center.

Policy 27.5 To facilitate public transit access, integrated transportation systems shall be encouraged to serve the Dania Beach Regional Activity Center.

Policy 27.6 Quality, Affordable Housing opportunities shall be included as a functional component within the Dania Beach Regional Activity Center.

Policy 27.7 To enhance pedestrian movement and safety, the separation of pedestrian and vehicular traffic shall be encouraged within the Dania Beach Regional Activity Center.

Policy 27.8 Encourage affordable housing opportunities within the Dania Beach Regional Activity Center through various mechanisms such as the utilization of "affordable housing units." The direction of public housing program funds into the Regional Activity Center, reduced lot size for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, the allowance of accessory dwelling units, or through other mechanisms proven effective in increasing the affordable housing stock.

Policy 27.9 The Regional Activity Center shall be governed by land development regulations that provide for an interconnected street network, a safe and attractive pedestrian environment, multi-modal transit connections, and transit-supportive densities and intensities along transit corridors.

Policy 27.10 The city shall adopt local design guidelines that require transit shelters in the Regional Activity Center to provide safe and comfortable service and to encourage transit usage.

Policy 27.11 The City shall adopt design standards within the land development regulations ensuring compatibility between existing and planned land uses within and adjacent to the Regional Activity Center.

Policy 27.12 To enhance pedestrian/non-motorized activities and transportation connectivity, the Regional Activity Center shall integrate open space that is accessible to the public in the form of wide, continuous sidewalks with shade and pedestrian amenities, mid-block pedestrian crossings, and public

plazas.

Policy 27.13 Pursuant to an interlocal agreement between the City and Broward County, the City is responsible for monitoring development activity and enforcing the permitted land use densities and intensities.

Policy 27.14 The City shall not allocate additional residential units within the area of the Regional Activity Center that has a Day-Night Average Sound Level (DNL) of ~~60~~5 decibels or greater.

Policy 27.15 In order to ensure that all properties can be developed within the overall density and intensity limitations of the Regional Activity Center, the City shall establish and implement a development tracking system.

Policy 27.16 The maximum intensity standards for nonresidential development in the Regional Activity Center are as follows:

1. All properties located within one-quarter mile of both the FEC Rail Corridor (proposed for commuter rail) and US-1 are permitted a maximum Floor-to-Area Ratio (FAR) of 8.0.
2. All properties not located pursuant to 1., above, but located within 750 feet of the US-1 or East Dania Beach Boulevard transit corridors are permitted a maximum FAR of 5.0.
3. All other locations are permitted a maximum FAR of 0.75.
4. Twenty (20) acres of Employment Center use shall be limited to a FAR of 0.29 regardless of location, pursuant to DCA Amendment No. 10-1 AR.
5. Thirty (30) acres of Commercial shall be limited to a FAR of 0.52 regardless of location, pursuant to DCA Amendment No. 10- 1AR.

Policy 27.17 Acreage for non-residential land uses will be assigned on a gross acreage basis to all lands included within the development parcel needed to comply with on-site land development requirements, such as, but not limited to, building footprint, setbacks, parking, outdoor pedestrian circulation, landscaping, drainage, etc. Within mixed use projects, acreage shall be assigned according to the proportion of floor area associated with each use (e.g. if 50 percent of the floor area is used for A, then 50 percent of the gross acreage of the development parcel will be assigned to A).

Policy 27.18 Floor to Area Ratios shall be calculated using the total gross acreage

(on -site and off -site) used to comply with any combination of parking, drainage, or open space requirements for a development project.

Policy 27.19 The residential density ~~within Traffic Evacuation Zone 16 (east of US 4)~~ east of US1 shall not exceed a maximum of 1,500 dwellings units above the residential density previously allowed within Traffic Evacuation Zone 16 before the adoption of the RAC land use category. ~~The boundaries of Traffic Evacuation Zone 16 are shown in Broward County's Hurricane Evacuation Study, 2001.~~

Policy 27.20 In the event of discovery of any archaeological artifacts during the construction of the RAC, construction shall stop within a thirty-foot radius of the find and immediate notification shall be provided to the Broward County Historical Commission: the Division of Historical Resources, Florida Department of State; and the City/Town. Construction may resume within the affected area after the City/town, and the Broward County Historical Commission, pursuant to 92-38 of the Broward County Code of Ordinances; and the Division of Historical Resources, pursuant to Rule 9J-2.043, FAC, have determined the appropriate mitigation, if any are warranted, and such measures have been implemented by Developer.

~~Policy 27.21 Prior to issuance of any building permit of development, the City will consult with the appropriate water supplier to ensure that adequate water supplies to serve the new development will be available no later than the anticipated date of the certificate of occupancy. Any determination that adequate water supplies will be available will require the demonstration that a consumptive use permit has been issued to the City with sufficient allocation available to serve the new development, given all other existing commitments for that allocation. The "sufficient allocation" in the CUP shall be defined consistent with the permit's limiting conditions as they exist at the time of building permit issuance. Permitted projects may be issued a Certificate of Occupancy only upon demonstration by the City that adequate water supply exists within the City's current legal allocation.~~

Dania Beach RAC
FDOT Technical Assistance Comments
23-1ESR and 23-2ESR

Technical Assistance Comment #1

A portion of the subject Regional Activity Center is situated in an area that is projected to be vulnerable to inundation from sea level rise, subject to increased flooding from rainfall events, and experience rising groundwater level. The amendment requests come with an interim design standard addressing future conditions and at a time when the City is (1) working on a Stormwater Master Plan (to be followed by updated stormwater regulations) and a vulnerability assessment funded under and subject to requirements of the Resilient Florida Program, (2) awaiting release at the state level of a comprehensive flood vulnerability and sea level rise assessment, and (3) conducting an evaluation and appraisal of its comprehensive plan to be followed by “Peril of Flood” and other amendments to its comprehensive plan.

These amendments also come at a time when Broward County is working on a countywide risk assessment and resilience plan and the Broward Metropolitan Planning Organization (MPO) is revisiting resilience as part of the update underway of its Metropolitan Transportation Plan (MTP) to 2050. Following adoption of its 2045 MTP, the Broward MPO developed a Resiliency Framework to identify program-ready projects which currently is being tested on two of the eight roadway segments (Hollywood Boulevard and US 1 in Fort Lauderdale) identified for studies to identify resilience improvements in the 2045 MTP.

Among the tools developed for and used by FDOT relating to vulnerability of transportation infrastructure are the UF GeoPlan Center Sea Level Scenario Sketch Planning Tool (<https://sls.geoplan.ufl.edu/>) and an Area of Interest (AOI) Tool recently added to the FDOT Efficient Transportation Decision Making Process/Environmental Screening Tool. The AOI Tool produces a resilience report covering sea level rise, high tide flooding, storm surge, and FEMA flood hazard zones. A resilience report for East Dania Beach Boulevard is attached. Map views are also attached that were generated using the Sea Level Scenario Sketch Planning Tool.

With various efforts yet to be completed, the timing of the proposed allocation of additional residential units leaves uncertainty over the degree to which development of those units in vulnerable areas of the City, and transportation infrastructure needed to serve them, can and will be resilient over time to impacts from sea level rise, flooding, and rising groundwater. Another consideration for the City and County is the value of retaining opportunities for adaptive planning/utilization of an adaptive policy pathway approach. Adaptive planning provides for taking short term actions without precluding long term options while monitoring for adaptation triggers such as sea level rise.

Recommendations for Technical Assistance Comment #1

1. The City and County could postpone placement of additional residential units in the area in the Regional Activity Center vulnerable to inundation from sea level rise and other hazards until such time that the City can assure that adaptation strategies, plans, policies, and infrastructure needed for resilience have been identified and can reasonably be funded and provided in a timely fashion.
2. An idea the City and County could consider is a phased allocation of residential units, prioritizing allocation of residential units in less vulnerable infill and revitalization areas of the Regional Activity Center until such time that adaptation strategies, plans, policies, and infrastructure are solidified based on completion of the City's ongoing resilience work and related efforts (referenced above).

Technical Assistance Comment #2

Given that adaptation strategies have yet to be determined and integrated into City infrastructure/utility planning, it is not clear how adaptation strategies will be funded, including for the State Highway System, to ensure resilience of future development. Adaptation strategies will likely be needed as indicated by FDOT Vulnerability Assessments using the UF GeoPlan Center Florida Sea Level Scenario Sketch Planning Tool NOAA 2070 Intermediate High Scenario. The Vulnerability Assessment indicates that approximately 61% of the Dania Beach Boulevard corridor between US 1 and the Intracoastal Waterway will be subject to some level of permanent inundation. Permanent inundation could lead to disruption in transportation network connectivity resulting in increased travel times, increased coastal evacuation times, increased emergency response times, and limitations on areawide mobility. There appear to be no funded adaptation projects for Dania Beach Boulevard in the Broward Metropolitan Planning Organization (MPO) 2045 Metropolitan Transportation Plan (MTP).

Recommendations for Technical Assistance Comment #2

1. The City should coordinate with FDOT and the Broward MPO, in addition to Broward County, on the planning and programming of needed adaptations for infrastructure. This includes City engagement in the update underway of the Broward MPO's MTP to 2050.
2. The City should ensure clear connections between its stormwater management planning and planning for local and state transportation infrastructure. Also, the City should coordinate with FDOT on the preparation of its Citywide Stormwater Master Plan and updated stormwater regulations to the extent that there may be impacts to state rights of way. A contact for this is James Poole, FDOT District Four Drainage Engineer (954-777-4204, james.poole@dot.state.fl.us).

RESPONSE

The City of Dania Beach appreciates the above technical assistance comments provided by FDOT. As noted, the City of Dania Beach has established an interim design standard addressing future conditions to ensure all new development meets pre- and post-stormwater conditions. The City is also working on a Stormwater Master Plan, a vulnerability assessment, and incorporating “Peril of Flood” amendments within its Comprehensive Plan. The City is committed to developing updated Stormwater Regulations that incorporate sea level rise conditions based upon the NOAA 2070 projections, which is the same standard used by the Sea Level Rise Sketch Planning Tool developed for and used by FDOT.

The timing and location of future units within the RAC is unknown and largely subject to market forces. As part of the local LUPA process, Broward County’s Resilient Environment Department made comments of a similar nature to FDOT, including discouraging amendments which place additional residential and non-residential development at risk of flooding from sea level rise. The City worked diligently with its consultants and Broward County in a manner that ultimately resulted in the City’s adoption of Resolution 2023-039 outlining how the City would address the County’s comments, and which was determined by the County to address their concerns. As such, the City believes those actions should also help address the above technical assistance comments provided by FDOT.

The City has worked, and continues to work, diligently to ensure future development within the City mitigates existing and future flood risk. The coordination, analysis, measures, and requirements noted above will help the City fulfill this commitment. Additionally, FDOT has jurisdiction over state roads within the City of Dania Beach, including Dania Beach Boulevard which is in part situated in a portion of the RAC vulnerable to sea level rise, as previously identified, and we trust will address sea level rise conditions as it relates to state roadways.

The City of Dania Beach is eager to coordinate with FDOT and the Broward MPO and will engage as needed regarding the update of the MPO’s MTP 2050. Please contact _____. The City and its consultants will reach out to FDOT’s contact should there be relevant impacts to state rights-of-way identified during preparation of the Stormwater Master Plan.

- *Is the City consultant engaging FDOT on Stormwater Master Plan?*
- *Maybe lets see what comes out of the meeting b/t Alec @ Brizaga and FDOT*
- *Have there been any results or information that’s new that may have come from prep of vulnerability analysis or stormwater master plan?*



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☒ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: _____

Date Rec'd: _____

Petition No.: LU-013-22

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESARRY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: RAC (Regional Activity Center)

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (**circle one**) _____

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: City of Dania Beach

Address of Property Owner: 100 West Dania Beach Blvd.

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Amendments to the future land use element of the City's Comprehensive plan providing additional dwelling units within the RAC

For Plats please provide proposed **Plat Name** for **Variances** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: [Signature]
(Owner / Agent signature*)

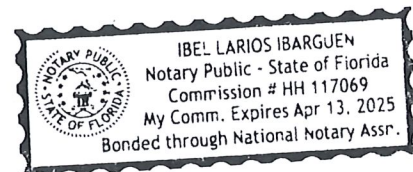
BEFORE ME THIS 31 DAY OF January, 20 22

By:

Eleanor Norena.
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of Florida)



Personally known X or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***



RED
YAN
AY
MN

NW 1ST ST

BRYAN RD

NW 1ST ST

TH AVE

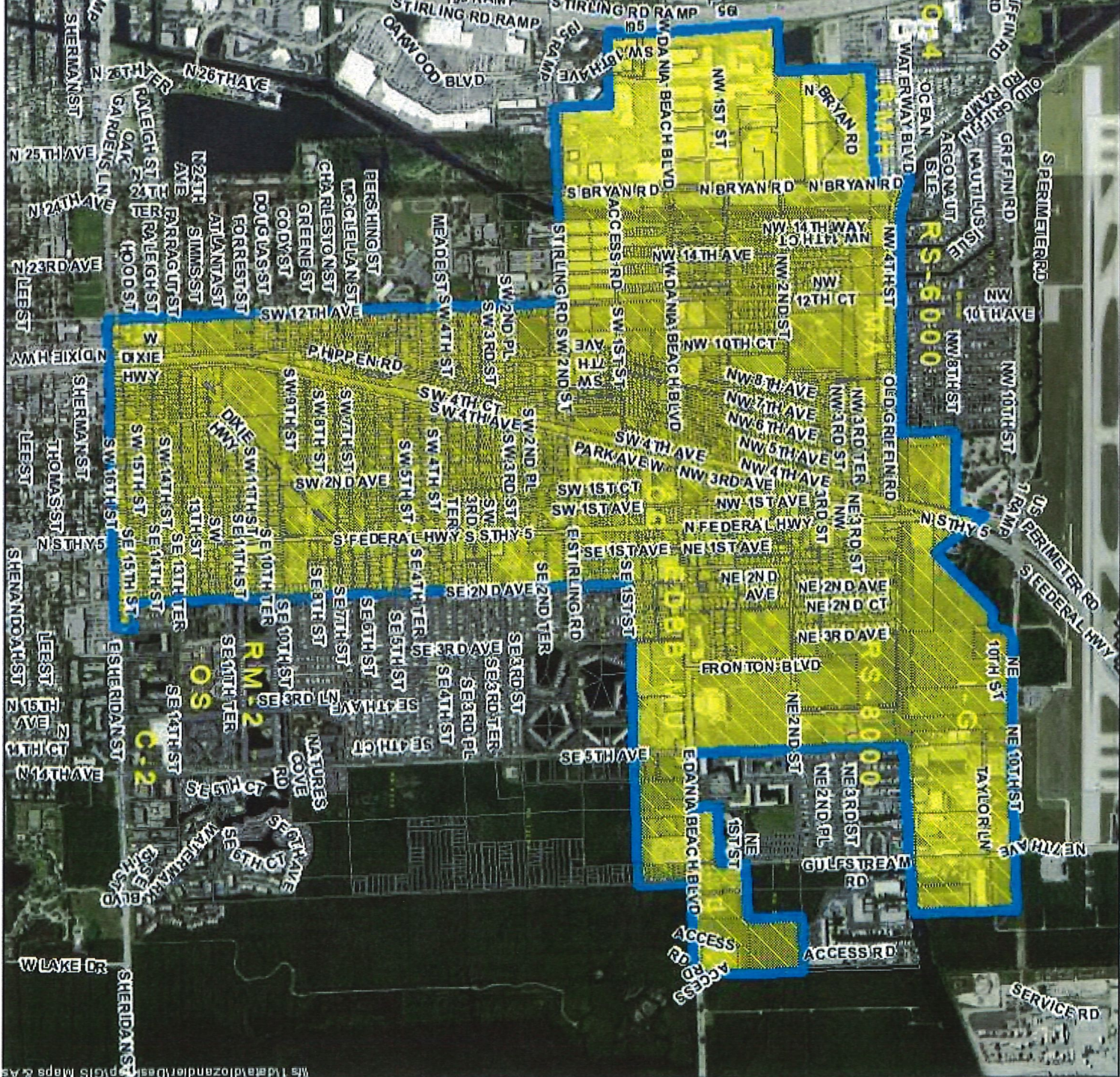
NW 1ST ST

RYAN R
ACCESS R

-
- An aerial photograph showing a residential neighborhood. A road is labeled 'MEADES' and 'BLVD'. The area is characterized by numerous houses and trees.



HYTER
 RALEIGH ST
 24 TH
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 RALEIGH
 BARRAG L





City of Dania Beach Community Development Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, Deputy City Manager
Eleanor Norena, CFM, Director

SUBJECT: TX-006-24: The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Chapter 12 "Flood Damage Prevention"

Request:

The Community Development Department is requesting an amendment to the City's Code of Ordinances to update the city's flood damage prevention regulations.

Background:

In 2015, the City Commission adopted the current "Flood Damage Protection" ordinance. The objective of the regulations is to prevent or limit property damage from flooding. The City implements these regulations during the land development review and building permit processes.

The City's Flood Plain Manager (CFM) is responsible for the regulations, compliance, and coordination with other agencies.

The proposed ordinance includes improvements for base flood elevation (BFE) standards, consistency with the Florida Building Code (FBC), and adoption of FEMA's latest Flood Insurance Rate Map (FIRM). These new standards can be implemented with minor modifications to plans and construction.

The proposed ordinance has been reviewed and approved by the Florida Division of Emergency Management (FDEM) on behalf of the FEMA. Proceeding the City's adoption the approved ordinance will be re-submitted to FDEM for final approval then submitted to FEMA for certification.

Budgetary Impact

none

Recommendation

The Community Development Department recommends the City Commission approval of the ordinance on second reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 12, ENTITLED, "FLOOD DAMAGE PREVENTION" OF THE CITY'S CODE OF ORDINANCES IN ORDER TO AMEND THE ELEVATION REQUIREMENTS FOR ALL NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS, STRUCTURES, MANUFACTURED HOMES AND FOR OTHER PURPOSES; AND ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the City of Dania Beach and such areas may be subject to periodic inundation (flooding) which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City of Dania Beach was accepted for participation in the National Flood Insurance Program on February 15, 1978, and the City Commission desires to continue to meet the requirements of Title 44 of the Code of Federal Regulations, Sections 59 and 60, which is necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Commission is adopting amendments to Chapter 12 of the City's Code of Ordinances, entitled "Flood Damage Prevention", for the purpose of strengthening the City's participation in the National Flood Insurance Program's Community Rating System and, where applicable, pursuant to Section 553.73(5), F.S., is formatting the City's flood damage prevention requirements to coordinate with the Florida Building Code (the "FBC"); and

WHEREAS, the City Commission has determined that it is in the public interest to amend the proposed floodplain management regulations that are coordinated with the Florida Building Code.

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

Section 1. Recitals. That the foregoing “Whereas” clauses are true and correct and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. Amendment. Chapter 12, “Flood Damage Prevention” of the City Code of Ordinances is amended to read as follows:

CHAPTER 12
FLOOD DAMAGE PREVENTION

* * *

ARTICLE I. GENERAL.

* * *

Sec. 12-3. Intent.

The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (d) Manage the alteration of flood hazard areas, ~~watercourses~~, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (e) Minimize damage to public and private facilities and utilities;
- (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44, Code of Federal Regulations, Section 59.22.

* * *

ARTICLE II. APPLICABILITY

* * *

Sec. 12-9. Basis for establishing flood hazard areas.

The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated ~~August 18, 2014~~ July 31, 2024, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Dania Beach City Hall located at 100 W. Dania Beach Blvd. Dania Beach, FL 33004.

* * *

Sec. 12-21. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

(a) Establish, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 12-17 of this chapter;

~~(b) — Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to "FEMA";~~

~~(b)~~ (e) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, or flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six (6) months of such data becoming available;

~~(c)~~ (d) Review required design certifications and documentation of elevations specified

by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;

~~(d)~~ ~~(e)~~ Notify the Federal Emergency Management Agency when the corporate boundaries of Dania Beach are modified; and

~~(e)~~ ~~(f)~~ Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "coastal barrier resource system areas" and "otherwise protected areas."

Sec. 12-22. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained;~~ documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Dania Beach City Hall located at 100 W. Dania Bach Blvd. Dania Beach, FL 33004

* * *

ARTICLE V. SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 12-31. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(a) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations, if necessary, for review of the proposed development.

~~(b) — Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 12-32(b) or (c) of this chapter.~~

~~(c) — Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 12-32(a) of this chapter.~~

~~(b)~~ (d) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

~~(c)~~ (e) Location, extent, amount, and proposed final grades of any filling, grading, or excavation; including the location of excavation that is required to compensate for permitted fill. If excavation to compensate for permitted fill is located on a different parcel of land, a site plan of the excavation site shall be included, along with other documentation required by the building official;

~~(d)~~ (f) Where the placement of fill is proposed, amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

~~(e)~~ (g) Delineation of the coastal construction control line or notation that the site is seaward of that line, if applicable.

~~(f)~~ (h) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(i) ~~Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

Sec. 12-32. Information in flood hazard areas without base flood elevations (approximate zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(b) Obtain, review, and provide to applicant base flood elevation ~~and floodway~~ data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation ~~and floodway~~ data available from a federal or state agency or other source.

(c) Where base flood elevation ~~and floodway~~ data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(2) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.

Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 12-33. Additional analyses and certifications.

For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), the applicant shall submit with the site plan and construction documents an engineering analysis prepared, signed and sealed by a Florida licensed engineer that demonstrates that the proposed alteration will not increase the potential for flood damage. As applicable to the location and nature of the proposed development activity and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:—

~~(a) — For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 12-34 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.—~~

~~(b) — For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the city. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.—~~

~~(c) — For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 12-34 of this chapter.—~~

~~(d) — For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.~~

Sec. 12-34. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, ~~change floodway boundaries~~, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

* * *

ARTICLE VII. VARIANCES AND APPEALS

* * *

Sec. 12-44. Reserved. Restrictions in floodways.

~~A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 12-33 of this chapter.~~

Sec. 12-45. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building Chapter 12-44 Historic Building, upon at determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 12-46. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 12-44, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

* * *

ARTICLE IX. DEFINITIONS

Sec. 12-52. General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that Code.

(c) *Terms not defined.* Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(d) *Definitions.*

~~*Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction or velocity (or any or all of the foregoing) of the riverine flow of water during conditions of the base flood.~~

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter ~~or a request for a variance.~~

ASCE 24A standard titled "Flood Resistant Design and Construction" that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in the Florida Building Code ("FBC"), B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood".

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the city, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1—V30, VE, or V. ~~[Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]~~

Critical facility. Hospitals, nursing homes, medical services facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during or after a flood; and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic, or water-reactive materials. The term includes facilities that are assigned Flood Design Class 3 Risk Category III and Flood Design Class 4 Risk Category IV pursuant to the Florida Building Code, Building.

Crown of road. The elevation of the highest surface of street pavement within the right-of-way abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD), unless otherwise approved by the Floodplain Manager.

Declaration of land restriction (Nonconversion agreement). A form provided by the floodplain

administrator to be signed by the owner and recorded in the public records of Broward County applicable to the property in which the owner covenants not to convert or modify a building, structure or both in any manner that is inconsistent with the terms of the building permit and these regulations, including regulations applicable to enclosures constructed below elevated dwellings.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the city's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before February 15, 1978. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 15, 1978.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional~~

~~sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (a) The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.
- (b) The area designated as a flood hazard area on the city's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the city. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS). The official report provided by the FEMA that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the city, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

~~*Floodway.* The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]~~

~~*Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 ~~44~~ Historic Buildings.

Letter of map change ("LOMC"). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(a) *Letter of map amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) *Letter of map revision (LOMR).* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of map revision based on fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.

(d) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the~~ The term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after February 15, 1978 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 15, 1978.~~

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01.)

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed forty-nine (49) percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds forty-nine (49) percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the date of permit issuance. If the structure has incurred "substantial

damage," any repairs are considered a substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

~~*Watercourse.* A river, creek, stream, channel or other topographic feature in, on, through or over which water flows at least periodically.~~

ARTICLE X. FLOOD RESISTANT DEVELOPMENT

Sec. 12-53. Buildings and structures.

(a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 12-25 of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of the ASCE 24 standard. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of article XVI, of this chapter.

(b) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, "Building", Section 3109 and Section 1612 or Florida Building Code, "Residential", Section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. §

161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

(c) *Specific methods of construction and requirements.* Pursuant to Broward County Administrative Provisions for the Florida Building Code, the following specific methods of construction and requirements apply:

(1) *Elevation requirements.*

a. All new and substantially improved residential buildings and structures in special flood hazard areas shall be elevated to the higher of ~~have the lowest floor, including basement, elevated to or above~~ the elevation required in the Florida Building Code or, the elevation published on the Broward County Future Conditions One-Hundred Year Flood Elevation Map

b. All new and substantially improved non-residential buildings and structures in special flood hazard areas shall either be elevated or dry floodproofed to the higher of ~~have the lowest floor, including basement, elevated to or above~~ the elevation required in the Florida Building Code, the elevation published on the Broward County Future Conditions One-Hundred Year Flood Elevation Map ~~or together with attendant utility and sanitary facilities be designed so that the structure is watertight to that elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

c. All new residential buildings and structures outside special flood hazard areas (Zone X) shall be elevated to the higher of the elevation published on the Broward County Future Conditions One-Hundred Year Flood Elevation Map or eighteen (18) inches above the adjacent crown of road.

d. All new non-residential buildings and structures outside special flood hazard areas (Zone X) shall be elevated or dry floodproofed to the higher of the elevation published on the Broward County Future Conditions One-Hundred Year Flood Elevation Map or six (6) inches above the adjacent crown of road.

(2) *Limitations on enclosed areas below an elevated building.* For buildings in special flood hazard areas, the following limitations apply to enclosed areas below elevated buildings:

a. Access shall be the minimum necessary to allow for only parking of vehicles (garage door), limited storage of maintenance equipment in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).

b. The interior portion shall not be temperature controlled, partitioned, or finished into separate rooms unless a partition is required by the fire code.

(3) *Cumulative substantial improvement.* In Section 202 of the Florida Building Code, Building and Section 202 of the Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Sec. 12-52 of this chapter. follows:

~~*Substantial improvement.* Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds forty-nine (49) percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the date of permit issuance. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

~~1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~

~~2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.~~

(4) *Repetitive flood damage and substantial damage.* In Section 202 of the Florida Building Code, "building" and Section 202 of the Florida Building Code, "Existing Building", definitions for the term "substantial damage" shall be as defined in

Sec. 12-52 of this chapter. follows:

~~*Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed forty nine (49) percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.~~

(5) *Critical facilities.* Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the elevation required by ASCE 24, the base flood elevation plus three (3) feet or the five hundred-year (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the maximum extent possible. Critical facilities shall be designed to remain operable during such event.

ARTICLE XI. SUBDIVISIONS

* * *

Sec. 12-55. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(a) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(b) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 12-32(a) of this chapter; and

(c) Compliance with the site improvement and utilities requirements of article XII of this chapter.

ARTICLE XII. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

* * *

Sec. 12-59. Reserved. ~~Limitations on sites in regulatory floodways.~~

~~No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 12-33(a) of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

* * *

ARTICLE XIII. MANUFACTURED HOMES

* * *

Sec. 12-65. Reserved. ~~Elevation.~~

~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 12-66 or 12-67 of this chapter, as applicable.~~

Sec. 12-66. ~~General elevation~~ Elevation requirement.

(a) All manufactured homes in special flood hazard areas, including new installations, substantial improvements, and replacement homes shall be elevated such that the bottom of the frame is at or above the elevation required by section 12-53(c)(1) of this chapter, ~~as applicable to the flood hazard area, in the Florida Building Code, "Residential", Section R322.2 (Zone A) or Section R322.3 (Zone V); and section 12-53(c)(1) of this chapter.~~

(b) All manufactured homes that are placed or replaced on sites outside special flood hazard areas (Zone X) shall be elevated such that the bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than

thirty-six (36) inches in height above grade or above the elevation required by section 12-53(c)(1) of this chapter; ~~or at least six (6) inches above the crown of road elevation of the road adjacent to the plot, whichever is higher.~~

* * *

ARTICLE XVI. OTHER DEVELOPMENT

Sec. 12-76. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

- (a) Be located and constructed to minimize flood damage;
- ~~(b) — Meet the limitations of section 12-59 of this chapter if located in a regulated floodway;—~~
- ~~(b)~~ (e) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- ~~(c)~~ (d) Be constructed of flood damage-resistant materials; and
- ~~(d)~~ (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 12-77. Reserved. Fences in regulated floodways.

~~Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 12-59 of this chapter.~~

Sec. 12-78. Reserved. Retaining walls, sidewalks and driveways in regulated floodways.

~~Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 12-59 of this chapter.~~

Sec. 12-79. Reserved. Roads and watercourse crossings in regulated floodways.

~~Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 12-59 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 12-33(e) of this chapter.~~

* * *

Section 3. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 4. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Dania Beach. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the date of adoption.

Section 5. Conflict. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. Effective Date. That this Ordinance shall be in force and take effect 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED and ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____ _____

Commissioner Tamara James _____ _____

Commissioner Marco Salvino _____ _____

Vice Mayor Lori Lewellen _____ _____

Mayor Archibald J. Ryan IV _____ _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach Commission Memorandum

DATE: 3/12/2024

TO: Mayor and Commissioners

FROM: Eve A. Boutsis, City Attorney on behalf of Commissioner James

VIA: Eve A. Boutsis, City Attorney

SUBJECT: Form 6 Lawsuit

Request:

To approve a resolution authorizing the City to join the two lawsuits (state court and federal court) challenging the application of Form 6 to City elected officials.

Background:

Since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values.

Historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values. All current elected members of the City of Dania Beach (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required them to annually file Form 1 (not Form 6) financial disclosures forms.

Although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations. In 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein". Because the right of privacy is a fundamental right within Florida's constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means." The First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means."

During the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1. The imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office.

Over 100 municipal elected officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum. The imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures).

Requiring that municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts. The imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights.

A group of municipalities and municipal elected officials filed two lawsuits, one in State Court and one in Federal Court, on February 15, 2024, seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuits”).

Budgetary Impact

The budgetary impact is not to exceed \$10,000.00.

Recommendation

N/A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form (“Form 6”) that requires, among other things, the disclosure of the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form (“Form 1”) that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City of Dania Beach (the “City Elected Officials”) were elected by the voters of the City subject to and in reliance upon Florida law that required them to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida's constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, over 100 municipal elected officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, a group of municipalities and municipal elected officials filed two lawsuits, one in State Court and one in Federal Court, on February 15, 2024, seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuits”); and

WHEREAS, the City of Dania Beach believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuits and urges other municipalities and their elected officials to also participate as plaintiffs.

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

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: The City of Dania Beach hereby authorizes the participation of the City, and any of individual members of the City Commission who choose to participate as plaintiffs, in the Lawsuits.

Section 3 : Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the City in the Lawsuits. The Firm will charge the City a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the Lawsuits in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs incurred, and that if the City and elected officials prevail in the Lawsuits, the Firm may apply with the Court for its actual reasonable attorneys’ and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledge that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby

waives any potential conflict of interest in the Firm’s representation of those clients arising from its representation of the City in the Lawsuit.

Section 4: The City of Dania Beach invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5: The City Clerk is directed to distribute this Resolution to all local governments in Broward County.

Section 6: That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 7. That this Resolution shall be effective 10 days after passage.

PASSED AND ADOPTED on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION: Unanimous ____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY