



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: October 22, 2013

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *ML*

FROM: Corinne Lajoie, AICP, Principal Planner, LEED GA *CL Lajoie*

SUBJECT: **TX-38-13:** The applicant, The Urban Group, is requesting zoning text amendments to allow setback variances for air conditioning units to be reviewed and approved administratively when associated with the Sound Insulation Program (Second Reading).

**REQUEST
TEXT AMENDMENT**

1. To allow setback variances for air conditioning units to be processed as an administrative variance; Section 215-50.
2. To add at-grade air conditioning units to the list of variances that can be approved as an administrative variance; Section 620-40.

The Urban Group serves as Consultant Manager implementing the FAA approved Noise Mitigation Program activities at the Fort Lauderdale-Hollywood International Airport in conjunction with the runway expansion project. They are working with Broward County Aviation Division to install various sound mitigation measures for neighborhoods with sound measurements of 65 DNL or louder in an effort to reduce the internal decibel levels of the residential structures. Each home is unique, as is the mitigation installed at each location. As part of this program, many air conditioning units are being replaced, some of which do not meet the required seven (7) foot setback required by code, necessitating variances.

In order to expedite the variance process, the applicant is requesting to amend the zoning code to allow setback variances for air conditioning units installed as part of the Sound Insulation Program to be processed as an administrative variance.

CITY COMMISSION PREVIOUS ACTION

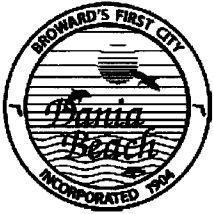
On October 8, 2013 the City Commission heard this request on first reading. The Commission approved the text amendment provided it applies city wide, as recommended by the Planning and Zoning Board.

PLANNING AND ZONING BOARD RECOMMENDATION

On August 21, 2013 the Planning and Zoning Board heard the applicant's request for the text amendment. The Board discussed with staff and the applicant their desire to have the change apply to all properties throughout the city. The Board recommended approval of the proposed text amendment provided it is applied to all properties city wide.

STAFF RECOMMENDATION

Approve.



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: Code Text Change (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

Date Rec'd: 7/16/13

Petition No.: TX-38-13

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: N/A

Lot(s): N/A Block: N/A Subdivision: N/A

Recorded Plat Name: N/A

Folio Number(s): N/A Legal Description: N/A

Corey W. O'Gorman, AICP

Applicant/Consultant/Legal Representative (circle one) The Urban Group, Inc.

Address of Applicant: 200 East Dania Beach Boulevard, Dania Beach, FL 33004

Business Telephone: 954-924-2224 Home: N/A Fax: 954-924-2527

E-mail address: cogorman@theurbangroup.com

Name of Property Owner: N/A

Address of Property Owner: N/A

Business Telephone: N/A Home: N/A Fax: N/A

Zoning Code Text Change to allow variances for AC equip.

Explanation of Request: in side-yard setback to be approved administratively

For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Prop. Net Acreage: N/A Gross Acreage: N/A Prop. Square Footage: N/A

Existing Use: N/A Proposed Use: N/A

Is property owned individually, by a corporation, association, or a joint venture? N/A

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 N/A (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

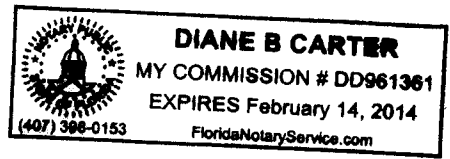
By: *Cary W. [Signature]*
(~~Owner~~ / Agent signature*)

BEFORE ME THIS 22 DAY OF July, 2013

By:
DIANE B CARTER
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary *Diane B Carter*
(Signature of Notary Public – State of FLORIDA)



Personally known 0 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.

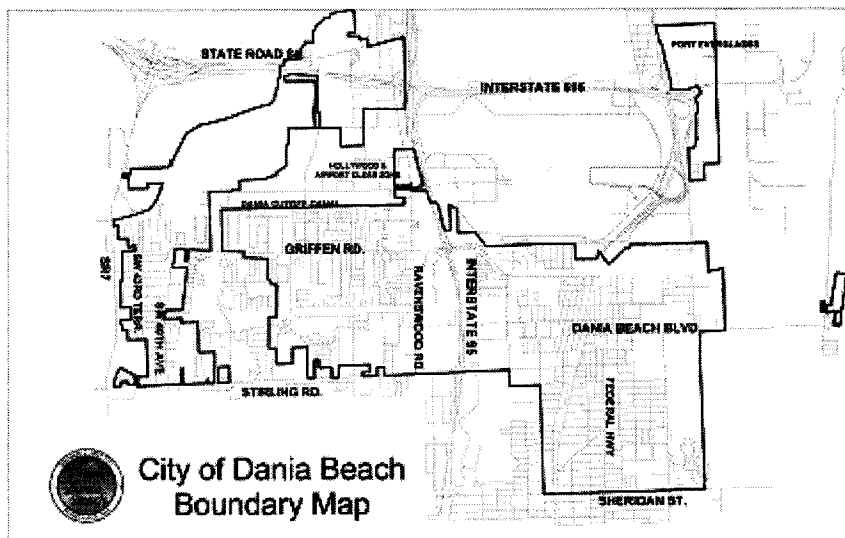
NOTICE OF PUBLIC HEARINGS CITY OF DANIA BEACH, FLORIDA

A Public Hearing will be conducted by the City of Dania Beach City Commission meeting on the following date:

DATE: Tuesday, October 22, 2013
TIME: 7:00 p.m. or as soon thereafter as the same may be heard
PLACE: City Commission Chambers
Dania Beach Administrative Center
100 West Dania Beach Blvd.
Dania Beach, FL 33004

- 1) **TX-38-13** – The applicant, The Urban Group is requesting a text amendment to the Land Development Code (TX-38-13) to allow setback variances for air conditioning units to be reviewed and approved administratively, when associated with the Sound Insulation Program administered by Broward County.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE LAND DEVELOPMENT CODE BY AMENDING ARTICLE 215, "SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE" AND ARTICLE 620 "ADMINISTRATIVE VARIANCES" REGARDING AIR CONDITIONING UNITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.



A copy of the proposed Text Amendment are available for viewing in the Community Development Department, 100 West Dania Beach Boulevard, Dania Beach, Florida, and may be inspected by the public during normal business hours. For more information please call the Planning Division at (954) 924-6805 x3643.

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 Blvd., Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the 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.

Community Development Department
Planning Division
Friday, October 11, 2013