



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

**DATE:** May 10, 2016

**TO:** Robert Baldwin, City Manager

**VIA:** Marc LaFerrier, AICP, Director *MLF*

**FROM:** Corinne Lajoie, AICP, LEED G.A., Planning and Zoning Manager *CL*

**SUBJECT:** **DR-37-16:** The applicant, Greenspoon Marder, P.A., on behalf of the property owner, Sheridan House Baptist Church, Inc., is requesting a modification, amendment and restatement of the declaration of restrictive covenants on a property located at 4200 SW 54 Court.

**REQUESTS**

To modify, amend and restate the declaration of restrictive covenants.

**PROPERTY INFORMATION**

**EXISTING ZONING:** Community Facility (CF)  
**LAND USE DESIGNATION:** Irregular Residential (12-13.5)

**VIOLATIONS ON PROPERTY**

There are no open violations on this property.

The subject property is approximately six (6) acres in size and is currently operating as a residential care facility located in five (5) existing structures. The applicant is proposing to retain three (3) of the existing structures and construct three (3) new buildings totaling 77,320 square feet, resulting in a total building area of 95,625 square feet, which are the subject of separate applications.

A declaration of restrictive covenants in favor of the city was previous recorded in Broward County public record on September 12, 2008 which placed certain restrictions and conditions on the development. On November 18, 2014 CC the City approved a resolution (Reso. No. 2014-107) which approved certain modifications to the original declaration, however, these changed have never been executed or recorded.

The applicant is proposing a restated declaration of restrictive covenants for the property which incorporated the previously approved modifications and amendments of the original declaration as follows:

- 1) Amend paragraph 2(a) to allow a maximum of twelve (12.0) residential units to be constructed on the property;
- 2) To remove paragraph 2(b) which required that each residential unit is conveyed as a condominium of a fee simple ownership;
- 3) Remove paragraph 2(c) which limits the ability of any owner to rent, lease, or offer the property for occupancy to a non-owner for less than one (1) year;

- 4) Amend paragraph 3(a) to correct the code section referenced in the original declaration from Section 19-17 to 19-71; and
- 5) Remove language from paragraph 3(b) which required the payment of fifty thousand dollars (\$50,000) to be used for physical improvements to the public park located on the property as referenced in paragraph 3(b).

The restated declaration further amends and modifies the original declaration by removing the requirement that the property be rezoned to the City's Planned Residential District-1 (PRD-1). The remaining provision from the original declaration have all been reincorporated in the restated declaration and still impose a number of obligations upon the owner, and any future owners, which must be satisfied prior to and concurrent with any development of the property.

**STAFF RECOMMENDATION**

Approve the request.