

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan Acting, Development Services Director / (954) 797-1101

PREPARED BY: Carlo F. Galluccio III Planning Aide

SUBJECT: ZB (TXT) 8-1-07 / Generators and Underground Container

AFFECTED DISTRICT: All Districts

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 2, GENERAL REGULATIONS, SEC. 12-33. GENERAL REGULATIONS, SUBSECTION (A), ACCESSORY USES AND STRUCTURES, ADDING NUMERAL (12) GENERATOR, AND NUMERAL (13) UNDER-GROUND CONTAINER FOR NATURAL GAS (LIQUEFIED PETROLEUM); ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The intent of this code amendment is to provide clear guidelines for the location of generators and under-ground containers for natural gas (liquefied petroleum) in all residential and non-residential districts. Staff has found that after the 2005 Hurricane season a number of permits for generators and underground containers have been requested. In order to properly regulate this type of accessory use, staff finds it necessary to have specific regulations for the installation of generators and underground containers.

Generators proposed in non-residential districts would require a Site Plan Modification to ensure all Land Development Code requirements are met.

PREVIOUS ACTIONS: At the December 5, 2007 Town Council meeting, this item was approved on consent agenda. **(Motion carried 3-0, Councilmembers Crowley and Starkey were absent)**

CONCURRENCES: Vice-Chair Stevens made a motion, seconded by Chair Bender, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. Motion carried 4-0

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds this ordinance complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 2, GENERAL REGULATIONS, SEC. 12-33. GENERAL REGULATIONS, SUBSECTION (A), ACCESSORY USES AND STRUCTURES, ADDING NUMERAL (12) GENERATOR, AND NUMERAL (13) UNDER-GROUND CONTAINER FOR NATURAL GAS (LIQUEFIED PETROLEUM); ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to provide clear guidelines for the location, design, and construction of generators and underground containers; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on November 14, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-33(A) of the Land Development Code of the Town of Davie, Florida. (the "Town"), is hereby amended to read as follows:

(12) Generators (Permanent Emergency Power System)

(a) All districts:

- i. Generators shall have a minimum ten-foot setback from any/all property lines.
- ii. Generators shall comply with Chapter Section 12-111 of the Land Development Code screening of outdoor equipment.
- iii. Generators shall comply with noise ordinance as established in Chapter 15 of the Code of Ordinances.

(b) All residential districts:

- i. Generators shall be placed within the building envelope or side and/or rear of the yard with a minimum ten-foot setback from the property lines.

(c) All non-residential districts:

- i. Generators shall be considered a Site Plan Modification and shall follow procedures established in Section 12-374 Modification of site plan.
- ii. Generators shall not be located within the required landscape buffer and/or open-space.
- iii. Generators shall not be located within any required parking space.

(13) Under-ground containers for natural gas (Liquefied Petroleum)

(a) All districts:

- i. Container shall be located within the open space of the property with a minimum 10 feet setback from any property line.
- ii Container shall not be located in easements and/or landscape buffers.
- iii Container and filling connection shall be setback a minimum of five-foot from driveway or parking area.
- v. Container lid or top of container shall be at grade level.

SECTION 2. That Section 12-111, of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

(A) In all zoning districts, outdoor equipment or facilities (i.e. a/c units, swimming pool equipment, ~~and~~ FPL boxes, generators, and aboveground containers) visible from the street, parking lot, driveway, or public access drive shall be screened from view on three (3) sides with shrubs. Shrubs are to be three (3) feet in height and planted twenty-four (24) inches apart at the time of planting.

In lieu of shrubs, the outdoor equipment or facilities/ may be hidden from view from the street, parking lot, driveway or public access drive by a privacy wall of a height necessary to totally block the public view.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007