



Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM: An Ordinance of the Town of Davie, Florida Amending the Code of Ordinances of the Town of Davie, Section 12-32 entitled, "Table of Permitted Uses, Subsection (A) "Residential Districts," and (B) "Commercial, Office and Business Districts," to provide for Bed and Breakfast Accommodations as a permitted, conditional or prohibited use; amending Section 12-34 entitled, "Detailed Use Regulations" by creating new subsection (EE) entitled, "Bed and Breakfast Accommodations," establishing regulations governing the approval, location, size, operation, on-site facilities, appearance, and other characteristics of Bed and Breakfast Accommodations; amending Section 503 entitled, "Definitions" providing a definition of " Bed and Breakfast Accommodation"; providing for severability; and providing for an effective date.

REPORT IN BRIEF: This Ordinance amends Chapter 12 (Land Development Code) of the Code of the Town of Davie by revising Section 12-32 (Table of Permitted Uses), Section 12-34 (Detailed Use Regulations) and Section 12-503 (Definitions) to add Bed and Breakfast Accommodations within the RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5, RM-5, SC, B-1, WT, B-2, UC and B-3 districts. The ordinance also provides locational and operating criteria, processing standards and other special related provisions concerning the regulation of this use.

PREVIOUS ACTIONS: On July 21, 1999 Town Council authorized staff to proceed with a Land Development Code amendment to incorporate Bed and Breakfast Accommodations as a land use in the Land Development Code.

At the October 20, 1999 meeting Town Council tabled the 1st Reading to November 3rd, or November 17, 1999, if substantial changes were made. At the October 20, 1999 meeting Town Council also tabled second reading to November 17, 1999.

At the November 17, 1999 meeting, Town Council tabled the First Public Hearing and First Reading to December 1, 1999 as requested by Staff.

The January 5, 2000 meeting, Town Council tabled the first reading of the ordinance to February 2, 2000 and the second reading of the ordinance to February 16, 2000.

CONCURRENCES: Staff recommends withdrawing this Ordinance.

On October 27, 1999 the Planning and Zoning Board discussed the proposed amendment. After deliberation, a consensus was reached that the Board believes Bed and Breakfast Accommodations should be eliminated from the R-3, R-4, and R-5 Districts. Additionally, the Board recommends that Section 12-34(EE)(7)(d) be amended to allow social events for registered guests only and that Bed and Breakfast Accommodations be permitted to advertise such. The Board also recommended that minimum lot standards be required within the permitted districts.

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to withdraw the present ordinance and direct staff to make the appropriate revisions as necessary for a new ordinance **or** proceed no further with the ordinance.

Attachment(s): Memo to Town Administrator

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM
PZ 1-46-00

TO: Robert Middaugh, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director

DATE: January 26, 2000

RE: Ordinance/Bed and Breakfast Accommodations

As we previously discussed, please be advised that the Town's effort to resolve the issue of permitting Bed and Breakfast accommodations in residential areas was not successful at the Broward County Planning Council level. More particularly, the Broward County Planning staff did not agree with the Town using the 5% residential to commercial flexibility rule for Bed and Breakfast accommodations. In my opinion, even though the Planning Council's interpretation and implementation of said rule has been inconsistent, it would be incumbent on the town to file an appeal with the Broward County Planning Council to overturn their staff's interpretation.

In addition, at various public hearings and meetings, Town Council has received input from various citizens indicating their concern with permitting this particular use in residential areas. Because of these two factors, and the end result that Bed and Breakfast accommodations would be economically infeasible in residential areas without the use of flexibility provisions, it is staff's conclusion that the ordinance must be redrafted. Therefore it will be necessary for the ordinance to be withdrawn and necessary changes to modify the ordinance be incorporated.

In short, the Town Council may elect to consider two alternatives; 1) Authorize staff to withdraw the present ordinance and direct staff to make the appropriate revisions as necessary for a new ordinance; or 2) Proceed no further with the ordinance. Should you have any questions, please advise.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE , SECTION 12-32 ENTITLED “TABLE OF PERMITTED USES, SUBSECTION (A) “RESIDENTIAL DISTRICTS,” AND (B) “COMMERCIAL OFFICE AND BUSINESS DISTRICTS,” TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A PERMITTED, CONDITIONAL OR PROHIBITED USE; AMENDING SECTION 12-34 ENTITLED, “DETAILED USE REGULATIONS” BY CREATING NEW SUBSECTION (EE) ENTITLED, “BED AND BREAKFAST ACCOMMODATIONS,” ESTABLISHING REGULATIONS COVERING THE APPROVAL, LOCATION, SIZE, OPERATION, ON-SITE FACILITIES, APPEARANCE, AND OTHER CHARACTERISTICS OF BED AND BREAKFAST ACCOMMODATIONS; AMENDING SECTION 503 ENTITLED, “DEFINITIONS” PROVIDING A DEFINITION OF “BED AND BREAKFAST ACCOMMODATION”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has been approached by several parties seeking to operate Bed and Breakfast Facilities within the Town; and

WHEREAS, Town staff has conducted research on the nature and operations of Bed and Breakfast Facilities and recommended to the Town Council of the Town of Davie that such facilities be provided for within the Land Development Code; and

WHEREAS, the Town Council of the Town of Davie directed Town staff to amend the Land Development Code and incorporate Bed and Breakfast Accommodations; and

WHEREAS, the Town Council after due consideration of all matters, hereby finds that the amendment is in conformance with the Town of Davie Comprehensive Plan and is in the best interest of the health, safety and welfare of residents of the Town of Davie.

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

SECTION 1. That Section 12-32 of the Town Code is amended to read as follows:

Sec. 12-32. Table of permitted uses.

**(A) RESIDENTIAL DISTRICTS
GENERAL USE**

| | <u>DISTRICTS</u> | | | | | | | | | |
|---|------------------|-----------|----------|------------|------------|--------------|--------------|----------------|----------------|----------|
| | <u>RR</u> | <u>AG</u> | <u>S</u> | <u>A-1</u> | <u>R-1</u> | <u>R 2-5</u> | <u>RM -5</u> | <u>RM 8-16</u> | <u>MH 1-10</u> | |
| Agriculture | * | * | N | * | N | N | N | N | N | N |
| Agriculture, Residential | * | * | N | * | * | N | N | N | N | N |
| <u>Bed and Breakfast Accommodations</u> | * | * | <u>N</u> | * | * | * | * | <u>N</u> | <u>N</u> | <u>N</u> |
| Dude Ranch | * | * | N | * | N | N | N | N | N | N |

| | | | | | | | | | |
|---------------------------------|---|---|---|---|---|---|---|---|---|
| Dwellings, Semi-detached | N | N | P | N | N | N | P | P | N |
| Equestrian Facilities | P | P | * | * | * | N | N | N | N |
| Family Day Care Home | * | * | * | * | * | * | * | * | * |
| Group Home | P | P | P | P | P | P | P | P | P |
| Guest Cottage | P | P | N | P | P | N | N | N | N |
| Home Occupation | * | * | P | * | * | P | P | P | P |
| Life, Residential Care Facility | N | N | N | N | N | N | N | * | N |
| Plant Nursery | * | * | N | * | N | N | N | N | N |
| Recreational Facilities | * | * | * | * | * | * | * | * | * |
| Special Resid. Facilities | * | * | * | * | * | * | * | * | * |
| Subdivision Facilities | N | N | N | N | N | N | P | P | P |
| Watchman's Quarters | * | * | N | * | N | N | N | N | N |

P = Permitted by right in this district. N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

GENERAL USE

DISTRICTS

| | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO |
|---|-----------------------------|-----------------------------|-----------------------------|----------|-----------|-----------|-----------|-----------|
| Adult Facilities | N | N | * | N | N | N | N | N |
| Agriculture | * | * | * | * | N | * | N | * |
| Agriculture, Commercial | * | * | * | * | * | * | * | * |
| Amusement Parks | N | N | N | N | N | N | N | N |
| Animal Hospital | P | P | P | N | N | N | P | N |
| Animal Kennel | N | N | N | N | N | N | P | N |
| Antique, Crafts Shops | P | P | P | N | N | N | N | N |
| Athletic/Health Clubs, Gyms | N | P | P | N | P | * | P | N |
| Art Gallery | P | P | P | P | P | N | N | N |
| Auction House | N | * | * | N | N | N | * | N |
| Banks, Financial | P | P | P | P | P | P | N | N |
| Bakery, Delicatessen | P | P | P | N | P | * | P | N |
| Barber, Beauty Shops | P | P | P | N | P | * | P | N |
| Bars, Lounges | N | * | * | N | * | * | * | N |
| <u>Bed and Breakfast Accommodations</u> | <u>*</u> | <u>*</u> | <u>*</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>*</u> |
| Bingo Establishments | N | 1 | 1 | N | N | N | * | N |
| Boat Yards | N | N | N | N | N | N | P | N |
| Bookstores, Newsstand | P | P | P | N | P | * | P | N |
| Botanical Gardens | N | N | N | N | P | N | P | N |
| Bottled Fuel | N | N | N | N | N | N | P | N |
| Bowling, Skating | N | P | P | N | N | N | P | N |
| Cabinet/Carpentry Shops | N | N | N | N | N | N | * | N |
| Car Wash | N | P | P | N | N | N | P | N |
| Catering (Food) | N | P | P | N | N | P | P | N |

| | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|
| Distribution Facilities | N | N | N | N | N | N | P | N |
| Dry Cleaning | * | * | * | N | N | * | P | N |
| Florist, Plant Shop | P | P | P | N | P | * | P | N |
| Game Room, Arcade | N | P | P | N | N | N | P | N |
| Gardeners, Landscape Contractors | N | N | N | N | N | N | P | N |
| Gift Shops | P | P | P | N | N | * | P | N |
| Golf Courses | N | P | P | N | P | N | N | N |
| Home Occupation | N | N | N | N | N | N | N | P |
| Hotels, Motels | N | N | * | N | P | * | N | N |
| Laboratories | N | N | N | P | P | P | P | N |
| Light Fabrication | N | N | N | P | N | P | P | N |
| Machine Shop | N | N | N | N | N | N | P | N |
| Medical clinic, Doctor's Office, | N | P | P | N | N | P | N | N |

Sec. 12-32. Table of permitted uses.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

GENERAL USE

DISTRICTS

| | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | |
|--|-----------------------------|-----------------------------|-----------------------------|----------|-----------|-----------|-----------|-----------|---|
| Mini Warehouse/Self Storage | N | N | * | N | * | * | * | N | |
| Mobile Home Sales | | N | * | * | N | N | N | P | N |
| Mortuary | N | P | P | N | N | N | P | N | |
| Motion Picture Studio | N | N | N | N | N | P | P | N | |
| Motor Fuel Pumps | N | * | * | N | * | N | * | N | |
| Movie Theater, Performing Arts | | N | P | P | N | P | N | N | N |
| Night Clubs | N | * | * | N | * | ** | * | N | |
| Nursery, Child Care Facility | * | * | * | N | * | * | N | N | |
| Office | P | P | P | P | P | P | P | P | |
| Office Equipment Sales | N | P | P | N | P | * | P | N | |
| Parking Lot, Rental | N | P | P | N | * | N | N | N | |
| Pawnshop | N | P | P | N | N | N | P | N | |
| Personal Services | P | P | P | N | P | ** | P | N | |
| Pharmacy | N | P | P | N | P | * | P | N | |
| Photographic Studio | P | P | P | N | P | P | P | N | |
| Plant Nursery | P | P | P | P | P | N | P | P | |
| Pool Rooms | N | P | P | N | N | N | P | N | |
| Printer | N | P | P | N | P | P | P | N | |
| Private Club | N | N | P | N | P | N | N | N | |
| Radio or TV Station | | N | N | N | N | N | P | P | N |
| Real Estate Office | P | P | P | P | * | P | P | P | |
| Repair Shop, except vehicle or boat repair | N | P | P | N | N | N | P | N | |
| Research Facilities | N | N | N | P | P | P | P | N | |
| Residential Uses | | * | N | * | N | * | * | * | * |
| Restaurants, Fast Food | N | P | P | N | P | N | P | N | |
| Restaurants, Other | * | P | P | N | P | * | * | N | |

| | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|---|
| Sheet Metal Shop | N | N | N | N | N | N | * | N | |
| Special Residential Facilities | * | * | * | N | N | N | N | N | |
| Sports Arena | | N | N | N | N | N | N | N | N |
| Studios (Art, Music) | | P | P | P | N | N | P | P | P |
| Truck, Auto, Trailer, Utility Rental | N | N | P | N | N | P | P | N | |
| Vehicle Customizing | N | N | N | N | N | N | P | N | |
| Vehicle, Boat, Truck Repair, Major | N | N | N | N | N | N | * | N | |
| Vehicle Repair, Minor | N | * | * | N | N | N | P | N | |
| Vehicle Towing | N | N | N | N | N | N | * | N | |
| Vehicle Boat, Truck Sales | N | N | * | N | N | * | P | N | |
| Warehouse, Storage | N | N | * | N | * | * | * | N | |
| Watchman's Apartment | * | N | * | N | N | * | * | N | |
| Wholesale | N | P | P | N | N | P | P | N | |

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

** = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

SECTION 2. That Section 12-34 of the Town Code is amended to read as follows:

(EE) Bed and Breakfast Accommodations

- (1) Bed and Breakfast Accommodations permitted in all Districts shall be subject to site plan review in accordance with Article XII of these regulations.
- (2) Bed and Breakfast Accommodations in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 districts may be permitted pursuant to a special permit issued in accordance with Article X and subject to other limitations contained in this subsection. Bed and Breakfast Accommodations in SC, B-1, B-2, WT, UC and B-3 are permitted subject to applicable limitations contained in this subsection.
- (3) In RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts, Bed and Breakfast Accommodations are permitted without the need to amend the Town Land Use Plan Map provided that flexibility provisions are applied to the parcel consistent with the provisions of the adopted Town of Davie Comprehensive Plan and Broward County Land Use Plan.
- (4) In RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts, no Bed and Breakfast Accommodation shall be located closer than thirteen hundred twenty (1320) feet from

- (5) A Bed and Breakfast Accommodation shall have direct access to a roadway with the following characteristics:
- (a) The road must be dedicated for Public use and not a Private Road; and
 - (b) The road must be a thru-street and not a dead-end, cul-de-sac or loop road; and
 - (c) The road must provide access to at least thirty (30) dwelling units; or
 - (d) The road must be at least one (1) mile in length.
- (6) A Bed and Breakfast Accommodation shall provide a maximum of five (5) rooms for the purpose of providing lodging to the traveling public in addition to those bedrooms allocated to the ~~Operator and family if applicable~~ Owner/Operator, which Owner/Operator shall reside within the dwelling at all times such dwelling is functioning as a Bed and Breakfast Accommodation. A Bed and Breakfast Accommodation may request up to an additional five (5) rooms pursuant to a special permit issued in accordance with Article X and subject to other limitations contained in this subsection.
- (7) A Bed and Breakfast Accommodation shall be developed in accordance with the standards contained in the applicable zoning district. The following additional standards shall apply:
- (a) Each guest room shall have a minimum floor area of one hundred twenty (120) square feet.
 - (b) Each guest room in a Bed and Breakfast Accommodation shall have its own private bathroom.
 - (c) No cooking facilities shall be permitted in guest rooms within a Bed and Breakfast Accommodation. Food Service prepared for registered guests shall be provided in a common dining area.
 - (d) Meetings, Receptions, Parties and other Social Events shall not be held on the premises or within the common dining area of the Bed and Breakfast accommodation.
 - (e) A Bed and Breakfast Accommodation shall be operated and conducted in the principal structure. Accessory buildings shall not be converted to living units, kitchens or common dining areas.

health permits and shall otherwise comply with all other applicable building, fire and sanitary codes, including the Florida Department of Business and Professional Regulations.

- (8) A Bed and Breakfast Accommodation shall provide off street parking at a rate of two (2) parking spaces for the Owner/Operator plus one (1) space for each guest room.
- (a) No off street parking shall be located in any front yard or in any required minimum side yard and must be adequately screened from adjacent property and public right-of-way in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts.
- (9) A Bed and Breakfast Accommodation may erect one free standing ground sign not to exceed ~~four (4)~~ eight (8) square feet in area and six (6) feet in height. The free standing sign shall not be a pole sign.
- (a) A Bed and Breakfast Accommodation may also be permitted one (1) wall mounted sign identifying the property and shall not exceed one (1) square foot in area.
- (10) The exterior appearance of a Bed and Breakfast Accommodation should be typical and harmonious with the character and appearance of neighboring residential dwellings in the RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts and shall appear outwardly to be a single family dwelling that gives no appearance of business use other than permitted signage and off-street parking.

SECTION 3. That a definition for Bed and Breakfast Accommodations be placed in Section 12-503, entitled "Definitions" and placed between definitions for Base Site area and Bedroom read as follows: *Bed and Breakfast Accommodation.* A dwelling ~~occupied by~~ **which is the principal residence of an owner which** and provides sleeping accommodations and meals to transient travelers for periods not to exceed fourteen days within any 60 day period. This definition does not include a boarding house, rooming house, group home, hotel or motel. A Bed and Breakfast Accommodation is considered a commercial lodging use.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to be the extent of such conflict hereby repealed. This ordinance shall take effect immediately upon its passage and adoption.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this

PASSED ON FIRST READING THIS _____ DAY OF _____, 2000

PASSED ON SECOND READING THIS _____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.