

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Ordinance
Master Planned Developments

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-375 THROUGH 12-379 ENTITLED "MASTER PLANNED DEVELOPMENTS"; PROVIDING MASTER PLANNED DEVELOPMENT GUIDELINES; AMENDING SECTION 12-54 ENTITLED "NONRESIDENTIAL PERFORMANCE STANDARDS"; TO REFLECT THE NEW MASTER PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Master Planned Regulations, as proposed, will require that vacant property, over 5 acres in size for all zoning districts other than residential and 10 acres in size for residential, receive master plan approval from both Site Plan Committee and Town Council.

The Master Plan approval process will require that detailed information be submitted to ensure that proposed master planned developments will be well coordinated in terms of access and traffic circulation, pedestrian walkways throughout the development, that landscaping will be cohesive in design and maintenance responsibilities will be clearly identified prior to construction. Additional submittal requirements include tree survey, landscape and irrigation plans, schematic engineering, elevations, master signage plans, and a traffic study to ensure safe traffic flow throughout these sites.

Benefits which result from master planning include shared access points, shared roadways, shared water and wastewater facilities, and shared open space requirements. Open space will be calculated on the overall master plan, ensuring that the requirements of the Town Code are met.

These proposed regulations work to ensure that development occurring within the Town is reviewed and developed in a cohesive fashion, resulting in more efficient utilization of the vacant land remaining in the Town and better planned developments.

PREVIOUS ACTIONS: The Town Council tabled this item to the June 6, 2001 meeting (5-0, May 16, 2001).

The Town Council enacted a 'Planning and Zoning in Progress' on February 16, 2001 (motion carried 5-0).

CONCURRENCES: Planning and Zoning Board recommended approval at its May 9, 2001

meeting (motion carried 4-1, Ms. Moore dissenting).

FISCAL IMPACT:

Has request been budgeted? yes no

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-375 THROUGH 12-379 ENTITLED "MASTER PLANNED DEVELOPMENTS"; PROVIDING MASTER PLANNED DEVELOPMENT GUIDELINES; AMENDING SECTION 12-54 ENTITLED "NONRESIDENTIAL PERFORMANCE STANDARDS"; TO REFLECT THE NEW MASTER PLANNED DEVELOPMENT REGULATIONS; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on May 9, 2001; and

WHEREAS, the Town Council of the Town of Davie held public hearings on June 6, 2001 and June 20, 2001.

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

SECTION 1. Section 12-375 through 12-380, Chapter 12 of the Town Code, is created to read:

12-375. Master Planned Developments

(A) General Purpose. The purpose of this section is to encourage the construction of planned developments. A master planned development is intended to provide greater opportunity for construction of quality development on large tracts and/or parcels of land by providing guidelines to ensure that property is developed in a cohesive, orderly, planned, and well-designed manner. Further, it is the general purpose of the master planned development to:

Provide an alternative for more efficient land use, resulting in smaller networks of utilities, safer street network, promoting greater opportunities for public and private open space;

Encourage harmonious and coordinated development of the site, considering the natural features, pedestrian and vehicular circulation, and land use relationship with surrounding properties and the general neighborhood including the overall aesthetic appearance of the master planned development;

Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal development that may result from rigid adherence to the standards found elsewhere in this Code.

(B) Applicability. A master development plan is required for any non-residential use on any parcel of land five (5) or more acres and any residential development consisting of ten (10) or more acres except as listed below. Master Development Plans shall not be required for one (1) single family home on ten acres of land or more. These regulations do not apply within the Griffin Road Corridor District. In addition, these regulations apply to the following districts regardless of parcel size: Planned Business Center (B-3), Planned Industrial Park (M-3), Planned Community Facilities (PCF), Suburban (S), Utilities (U), Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), or Business Park (BP).

12-376. General Provisions.

(A) All land included within an application to the Town Council for master planned development approval shall provide evidence of unity of title or unified control agreement. A plan of common development and common ownership may also be provided either through common ownership association, condominium declarations, or other forms of ownership where unity of title does not exist for all lands covered by the master planned development approval. The petitioner shall present evidence in an agreement, that any development successors in title are bound to the approval of said master planned development.

(1) Said unity of title or unified control agreement shall be submitted to the Town prior to Site Plan approval or within three weeks of the issuance of a building permit to allow the Town Attorney to review said document.

(2) Said title or agreement shall include all assessment and membership provisions and require the Town to be party for any amendments to the title or agreement.

(B) The approval of a master planned development shall include as an enforceable condition: “all plans, specifications, agreements, and requirements as herein set out, together with an enforceable agreement on the part of the developer that the land so planned shall not be developed in any other way except in substantial accord with the said plans, specifications, agreements and requirements approved as part of the master planned development.”

(C) A restrictive covenant shall be provided along with said Unity of Title or Unified Control Agreement. The restrictive covenant shall provide for the maintenance of all common master plan elements, such as access drives, easements, landscaping, irrigation, lighting, shared drainage facilities, utilities, and any other elements deemed necessary by the Town Council to ensure the proper upkeep and maintenance of said master planned development.

12-377. Site Design Standards.

(A) A master planned development shall provide for more efficient use of the land in the following ways:

(1) Access points shall be shared;

(2) Internal roadways shall be shared;

(3) Water and wastewater facilities shall be shared;

(4) Landscape buffers shall not be required adjacent to any parcel which adjoins another parcel within the Master Development Plan;

(5) Open space and building coverage requirements can be spread throughout the entire development, resulting in no net loss of open space throughout the

development, although all on-site landscaping requirements must be met, except as stated in (4) above.

(6) Water bodies may account for no more than 20% of open space requirements, except as specified under open space uses, limitations in Section 12-72.

(7) Internal separation between buildings shall be no less than 20 feet.

(8) All signage shall be reviewed under the master plan development. In addition, the number of free-standing signs are limited to one sign per access point only when adjacent to a road right-of-way.

(B) The above referenced items shall be the only code required elements to be shared by all buildings and/or parcels within the master planned development. Individually identified parcels within the master planned development shall meet minimum lot requirements.

(C) The required perimeter landscaping, swales and any entrance features shall be installed for the entire project area shown on the master planned development at least ninety (90) days after the first building permit is issued, or as otherwise set forth in the conditions of master planned development approval.

12-378. Approval process.

All master plan submittals shall be preceded by a preapplication conference with Planning and Zoning division staff. Master plans and master plan modifications shall be reviewed and approved pursuant to the site plan review process and site plan modification process, respectively, as set forth in sections 12-371 and 12-374. Easements and dedications associated with a master plan shall be accepted by ordinance. Any and all amendments to individual parcels shall be done through an amendment to the master development plan. Elevations not approved through the original master development plan shall be processed as site plans.

12-379. Master Planned Development submission requirements.

(A) An application for master planned development review shall be filed with the

development services department. A master planned development application shall include the following:

- (1) Boundary survey.
- (2) Tree survey indicating existing vegetation and any other natural features within the development.
- (3) Proposed parcel divisions within the master planned development.
- (4) General schematic representation of the land uses included within the development.
- (5) Entrance feature, if any, and perimeter landscaping schematic design.
- (6) Proposed building location, maximum heights, floor area and setbacks.
- (7) Delineation of internal circulation, including streets and pedestrian access.
- (8) Points of connection of the local streets to the trafficways, including general indication of the necessary improvements to the trafficways to accommodate the local trips generated by the development.
- (9) General location and size of any community facility included within the development such as parks, schools, fire stations, community centers, etc.
- (10) Site Data Table showing proposed uses, acreage, and number of units and density in the case of residential uses, and any other information deemed necessary by the development services department.
- (11) Schematic depiction of surface water management elements, including retention facilities, drainage easements and swales.
- (12) Schematic depiction of the water and wastewater treatment facilities and/or source of public water and wastewater disposal facilities; general distribution and collection plans within the development, including easements for utility pipelines.
- (13) Survey detailing surrounding features, both natural and manmade, within a 500 foot radius on all sides of the site.
- (14) Elevations of one or more of the buildings, renderings, building materials, and building colors shall be provided on a material presentation board no greater than 24" x 36". In addition, architectural parameters shall be established at this time, through a master architectural package, providing at a minimum, colors, building materials, roof materials, and facade details, to ensure architectural cohesion for all buildings.
- (15) Traffic study indicating the impact the proposed development may have upon the existing roadway network. At a minimum the following shall be provided; trip

generation, trip assignment, and trip distribution. Additional information shall be determined based upon the size and scale of the development at the discretion of the Development Services Director.

(16) Master signage plan indicating all monument, wall, directional prototype signs including color, height, material, letter style, and method of illumination.

(17) Irrigation plan indicating that all irrigation shall be commonly controlled as set forth in the restrictive covenant.

(B) Architectural review criteria. The master development plan shall be evaluated for architectural consistency and harmony with the existing and approved developments in the surrounding area. Buildings proposed for the master development plan shall have common architectural elements to ensure a unified and cohesive design. Any exterior changes to an individual building within a master planned development shall also be consistent with the remainder of the entire development. The degree of the proposed facade change may require that the other building facades within the master planned development be redesigned.

12-380. Effective period of approval.

Approval of a master planned development as provided herein shall be effective for a period of 12 months. One (1) extension for an additional one (1) year period may be applied for upon application to the Development Services Director within thirty (30) days of expiration. Unless a building permit is obtained for some phase of the approved project on or before the last day of the twelfth month following approval, the approval shall expire.

12-34 (AA) Unified Control of Development: All land included for the purpose of development in the S, B-3, M-3, U, PCF, SC, UC, FB or BP districts shall be owned or under the control of the petitioner for such zoning designation, whether that petitioner be an individual, partnership, or corporations. A master plan is required, as stated in Section 12-375, at the time of rezoning. ~~The petitioner shall present firm evidence of unified control of the entire area within the proposed development and shall state agreement that, if he proceeds with the proposed development he will:~~

~~(1) do so in accordance with the officially approved conceptual master plan of the development, and such other conditions or modifications as may be attached to the development.~~

~~(2) Provide agreements, covenants, contract, deed restrictions or sureties acceptable to the council for completion of the undertaking in accordance with the adopted conceptual master plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense.~~

~~(3) Bind his development successors in title to any commitments made under items (1) and (2) preceding.~~

12-54. Nonresidential Performance Standard.

* All land included for the purpose of development within these Districts are subject to master plan review, in accordance with Section 12-375. Master Planned Developments. ~~—requirements for Unified Control of development in accordance with use regulations contained in Section 12-34 (AA) of this Code.~~

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. 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 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001