

**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  
Community Business Center regulations

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-32.100 THROUGH 12-32.106 ENTITLED "COMMUNITY BUSINESS CENTER DISTRICT"; PROVIDING FOR DEVELOPMENT REGULATIONS FOR THE COMMUNITY BUSINESS CENTER ZONING DISTRICT; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO THE CREATION OF THE COMMUNITY BUSINESS CENTER DISTRICT; 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:**

This proposal creates the Community Business Center (CBC) zoning designation intended to implement the Town's Employment Center land use plan designation. Currently, no corresponding zoning district exists due to the fact that the Employment Center land use has never been implemented. The Town of Davie approved a land use plan change for Application LABC 98-3B, known as "Flamingo Center" on November 18, 1998. The subject parcel, located east of Flamingo Road and west of SW 121 Avenue on SR 84, was changed from a land use classification of Residential (5 dwelling units per acre) to Employment Center. This application is still under County review and has not been formally adopted. The County Commission was concerned about compatibility with adjacent residential uses. Town staff has provided draft regulations of the CBC district to Broward County Planning Council for review, in the context of the pending land use plan amendment. Prior to adoption of the land use plan amendment, the Town must adopt CBC regulations intended to implement the Employment Center land use category. In order for the property to be developed, the zoning and land use must be in place.

The intent of the Community Business Center district is to provide land development regulations and uses compatible with residential communities. This district provides for uses such as office, research and development, fabrication, wholesale, laboratories and municipal public service buildings. These are destination places that do not rely on passerby traffic, and are characterized by low traffic generation rates. Accordingly, the district prohibits high traffic generating uses such as free-standing retail and most personal services. The district is also distinguished from industrial districts as it prohibits manufacturing, outdoor storage, and other traditional industrial uses.

The landscape and buffering requirements of the CBC, as proposed, are more than double what is currently required by the Town in commercial and industrial zoning categories (see attachment A). Overhead doors are to be screened from view from all road rights-of-way, required to be setback a minimum of 50' from residential uses, are not allowed to face residential uses and are limited in their hours of use. In addition, any requested rezoning to the

CBC district requires approval of a master plan indicating, in detail, building locations, height, access, and perimeter landscaping and buffering.

The proposed zoning district provides for the development of clean, revenue generating sites and protects adjacent uses through increased setbacks, landscape requirements, and restricted allowable uses.

**PREVIOUS ACTIONS:** At the request of staff, the Town Council tabled this item to the June 20, 2001 meeting (5-0, June 6, 2001) and previously, to the June 6, 2001 meeting (5-0, May 16, 2001).

**CONCURRENCES:** Planning and Zoning Board recommended approval at its May 9, 2001 meeting subject to changes being made for clarification and to include that ten percent retail be allowed as an incidental accessory to the primary permitted use within the same bay (motion carried 5-0).

**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, Attachment A

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-32.100 THROUGH 12-32.106 ENTITLED "COMMUNITY BUSINESS CENTER DISTRICT"; PROVIDING FOR DEVELOPMENT REGULATIONS FOR THE COMMUNITY BUSINESS CENTER ZONING DISTRICT; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO THE CREATION OF THE COMMUNITY BUSINESS CENTER DISTRICT; 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. Division II, Section 12-32.100, Chapter 12 of the Town Code, is created to read:

**DIVISION II. COMMUNITY BUSINESS CENTER DISTRICT**

**Sec. 12-32.100. Intent/Purpose**

The Community Business Center (CBC) District is intended to implement the Employment Center classification of the Town of Davie Comprehensive Plan by providing for development of community business centers that function as integrated and planned developments. The CBC District is specifically designed to promote compatibility with adjacent residential areas and the community as a

buffers and open space areas.

**Sec. 12-32.101. Permitted Uses**

- (1) Agriculture.
- (2) Banks, Financial Services
- (3) Catering (Food)
- (4) Contractor, Office only
- (5) Fabrication and Assembly
- (6) Government Buildings/Municipal Public Service/Postal Facilities
- (7) Laboratories, excluding live animal research
- (8) Motion Picture/Television Studio
- (9) Offices (including medical, real estate, sales, etc)
- (10) Photographic Studio
- (11) Printer
- (12) Radio or TV Station
- (13) Research and Development Facility
- (14) Wholesale

**Sec. 12-32.102. Restricted Uses**

The following uses are permitted subject to the provisions indicated below:

- (1) Hotels, Motels, subject to a Special Permit, and subject to the following:
  - (a) Hotels, Motels shall be located within a master planned development a minimum of 20 acres.
  - (b) Maximum building height of 35 feet, may go to 50 feet only when demonstrated that the additional height is compatible with adjacent plan designations and uses.
  - (c) Bars, Lounges, Dance Halls and Night Clubs allowed as accessory uses, approved at time of Special Permit.
  - (d) Game Room and Arcade allowed as accessory uses, approved at the time of Special Permit.

adjacent to residential uses, land use plan designations, or zoning districts.

(2) Residential Uses, without the need to amend the Town land use plan map, provided that flexibility or reserve units are applied to the parcel consistent with the provisions of the adopted Comprehensive Plan of the Town of Davie.

(a) The design regulations for a residential parcel shall be governed by the density of said parcel relative to the applicable zoning district.

(3) Satellite Dish Receiving Antennae, subject to Special Permit from Town Council if greater than 4 feet in diameter and located closer than 500 feet to any residential use, residential land use plan designation, or zoning district, or roadway exterior to the CBC development; and if exceeding 12 feet in diameter, regardless of location.

(a) Satellite Dish Receiving Antennae not subject to the special permit requirements, shall be fully screened from view through the use of berms, walls, fences, shrubs, hedges, trees or any combination thereof; provided that when walls and /or fences are used they shall not exceed eight (8) feet in height, and shall be planted with shrubs, hedges or trees for 50 percent of the length of the outboard view of such wall or fence. The plant materials used shall achieve a full cover appearance within six (6) months of planting, and shall be in conformance with Town code requirements.

(b) Satellite Dish Receiving Antennas, subject to Special Permit requirements shall adhere to the landscape requirements for telecommunications towers as stated in Land Development Code Section 12-113.

(c) Provisions regulating dish antennae adjacent to residential use or zoning shall not apply to residentially zoned vacant land if such land is land use plan designated commercial and no residential reserve units have been applied to said land.

**Section 12-32.103. Accessory Uses**

- (1) Storage, distribution; may comprise up to 75 percent of the gross square feet (floor area) of a wholesale use
- (2) Recreation, open space
- (3) Utilities
- (4) Motor Fuel Pumps, accessory to a principal use and not available to the public and as regulated in Section 12-34(Y).
- (5) Services, limited to the following, shall not cumulatively comprise more than 20 percent of the gross building square footage of a CBC development and shall not be entitled to individual freestanding signage:
  - (a) Bakery, Delicatessen, no drive-thru facilities
  - (b) Nursery, Adult, Child Care Facility
  - (c) Office Equipment Sales
  - (d) Repair Shop (non-vehicular)
- (6) Retail display and showroom areas, incidental and accessory to the primary permitted use, limited to no more than 10% of the gross square footage of each tenant bay.

#### **Section 12-32.104. Prohibited Uses**

The CBC District is not intended to permit manufacturing, industrial uses, or heavy commercial uses. Any use which is inconsistent with this intent and is not specifically identified as a permitted use shall be prohibited. The following uses are specifically prohibited:

- (1) Adult Entertainment Facilities
- (2) Amusement Parks
- (3) Animal Hospitals
- (4) Animal Kennel
- (5) Auction House
- (6) Bingo Establishments
- (7) Boat Yards
- (8) Bottled Fuel
- (9) Bowling, Skating

- (12) Car Wash
- (13) Cement, Concrete, Lime
- (14) Convenience Store, Free Standing
- (15) Fast Food, except as provided for in Section 12-32.103
- (16) Food Processing Facility
- (17) Foundry, Drop Forging
- (18) Gardeners, Landscape Contractors
- (19) Golf Courses
- (20) Junk Yards
- (21) Landfill/Trash, Garbage Disposal
- (22) Machine Shop
- (23) Manufacturing, Light, Medium, Heavy
- (24) Mini Warehouse/Self Storage
- (25) Mining
- (26) Mobile Home Sales
- (27) Mortuary
- (28) Movie Theater, Performing Arts
- (29) Bars, Lounges, Dance Halls and Nightclubs,not accessory to a hotel
- (30) Parking Lot, Rental
- (31) Pawnshop
- (32) Petroleum Storage, Refining, Distribution, etc.
- (33) Pool Rooms
- (34) Private Club
- (35) Restaurant
- (36) Retail, except as provided for in Section 12-32.103
- (37) Sales of construction equipment
- (38) Sandblasting
- (39) Slaughter Yards
- (40) Schools
- (41) Service Stations
- (42) Sheet Metal Shop
- (43) Special Residential Facilities
- (44) Sports Arena
- (45) Trash Transfer Station

- (48) Vehicle, Boat, Truck Sales
- (49) Vehicle Customizing
- (50) Truck, Auto, Trailer, Utility Rental
- (51) Vehicle Boat, Truck Sales
- (52) Vehicle, Boat, Truck Repair, Major
- (53) Vehicle Repair, Minor
- (54) Vehicle Towing

**Sec. 12-32.105. Limitations of Use**

(1) Master Plan. Rezoning to the CBC District shall require a conceptual master plan showing generalized building locations, height, access; internal roadway layout and on site circulation system; the maximum square footage of development; perimeter landscaping and buffering; and, other unique design features including, by way of example, lakes, recreational trails, common open space, wetlands, etc. Such plans shall also meet the requirements as stated in Sections 12-375 through 12-379. Master Planned Developments, including but not limited to Unified Control.

(2) All activities within the CBC District shall take place within completely enclosed structures, except as identified below:

(a) Agricultural uses

(b) Motor fuel pumps, as accessory use only subject to regulations as stated in 12-32.103(4).

(c) Recreation and Open Space, including facilities appurtenant to hotels, motels and residential use.

(d) Designated seating areas when utilized as an accessory use to a deli/bakery, pursuant to an approved site plan.

(3) All exterior loading doors shall remain fully closed except during loading and unloading.

(a) Such doors shall also be located so as not to directly face adjacent roadways.

fence, or landscaped berm, or any combination thereof.

(c) Such doors shall not face adjacent residential uses, land use plan designations or zoning districts, nor be located within 100 feet of same.

(d) The provisions of (a)(b)(c) above, shall not apply to residentially zoned vacant land if such land is land use designated commercial and no residential reserve units have been applied to said land.

(e) Exterior loading doors shall operate only during the hours of 6:00 AM to 8:00 PM, Monday through Friday and 9:00 AM to 5:00 PM, Saturday and Sunday. When located abutting residential uses, land use plan designations or zoning districts, exterior loading doors shall operate only during the hours of 6:00 AM to 8:00 PM, Monday through Friday, 9:00 AM to 5:00 PM, Saturday and 10 AM to 5:00 PM, Sunday.

(4) The overnight parking of running tractor-trailers trucks shall be prohibited. This includes, but is not limited to, the parking of tractor-trailers overnight requiring running cab air-conditioning or the overnight parking of trucks with refrigeration systems running.

**Sec. 12-32.106 Site Area**

Intent: To promote planned, coordinated development rather than piecemeal, unrelated development.

(1) Parcel dimensions, area:

<u>Minimum size of unified CBC development:</u>	<u>5 acres</u>
<u>Minimum lot or lease area:</u>	<u>1 acres</u>
<u>Minimum lot frontage:</u>	<u>100 feet</u>

(2) Required Yards:

(a) Perimeter Setback Adjacent to Residential – Where a property line or lease line of a parcel abuts a residential use or zoning district, every building adjacent to such property line shall be set back at least 50 feet from that property line.

(b) Perimeter setback Adjacent to Roadways – Where a property line or lease line abuts a roadway, every adjacent structure shall be set back at least 25 feet from that property line.

(c) Where a property line or lease line abuts a canal or public utility transmission easement/right-of-way at least 50 feet in width, every adjacent structure shall be set back at least 25 feet from that property line.

(d) Perimeter Setback to Nonresidential: Where a property line or lease line abuts a nonresidential use or zoning district, including other parcels within a CBC development, the minimum structure setback from such property line shall be as follows:

<u>Front of Building:</u>	<u>25 feet</u>
<u>Rear of Building:</u>	<u>20 feet</u>
<u>Sides of Building:</u>	<u>15 feet</u>
<u>Separation between buildings</u>	<u>20 feet</u>

(3) Landscape Buffers

(a) Landscape buffers are required along all property lines in accordance with Section 12-107(D) of the Town’s Land Development Code, except perimeter buffer areas for CBC zoning, adjacent to residential uses, land uses, and zoning districts, shall be 25 feet; and CBC zoning adjacent to residential uses, land uses or zoning, but separated by a canal or primary transmission right of way with minimum 50 foot width shall be 10 feet. In addition, the landscape buffer shall contain one (1) fourteen - to sixteen foot canopy tree for each thirty linear feet or fraction thereof of property line, one

(b) Walls, fences, hedges or a combination thereof are required along exterior rights-of-way and may be required along other exterior property lines as determined by the Site Plan Committee and as required by Section 12-33(N) Fences, Walls, and Hedges. Abutting rights-of-way shall have the visual enjoyment of the landscape buffer.

(4) Maximum Building Height: 35 feet (except Hotels and Motels where 50 feet is permitted by special permit)

(5) Site Coverage:

(a) Maximum Building Coverage 40 percent of site

(b) Minimum Open Space/Landscaped Area 30 percent of site

(6) Garbage Dumpsters

Garbage dumpsters shall not be located closer than 50 feet to the property line of a residential use or a residential land use plan designation or zoning district boundary. This provision shall not apply adjacent to residentially zoned vacant land if such land is land use plan designated for commercial use, in which case a minimum ten (10) foot separation is required. All dumpsters shall be screened from view with a six (6) foot high concrete block enclosure with a decorative metal gate. A minimum landscape buffer of ten (10) feet surrounding the perimeter of the enclosure shall be required with hedge material planted on three sides.

### SEC. 12-503. DEFINITIONS

Distribution Facilities Center: A facility to which materials or goods are shipped by truck, sorted or stored, and then from which such materials or goods are loaded onto trucks for the purpose of shipping them to their final destination. Such facilities function solely to receive and ship materials or goods, and are characterized by a continuous volume of truck traffic during both on-peak and off-peak hours. Also referred to as *motor freight terminals*.

to produce a distinct object. Fabrication, as herein defined, does not include manufacturing operations from raw materials.

~~Fabrication, light. The assembly or uniting of parts or materials into a structure of whole unit. Light fabrication as herein defined, does not include manufacturing operations from raw materials.~~

Laboratory: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include the following: an establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession or to patients therefore; dental labs; labs for testing, inspecting calibrating, and/or certifying products or equipment; or laboratories engaged in other activities provided that no laboratory shall involve other than the incidental use of chemicals, radiation, or pathogens. Does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Manufacturing, Light: The processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and/or distribution of finished products or parts predominantly from previously prepared materials; excluding basic industrial processing utilizing extracted or raw materials, and excluding storage or manufacturing processes that potentially involve hazardous chemicals, toxic byproducts, air or water emissions, noise, odor, vibration or other offensive conditions detectable outside of the structure housing the light manufacturing operation.

Manufacturing, Medium or Heavy: The basic industrial processing utilizing extracted or raw materials, or storage or manufacturing processes that potentially involve hazardous chemicals, toxic byproducts, air or water emissions, noise, odor, vibration or other offensive conditions detectable outside of the structure housing the manufacturing operation.

Motion Picture, Television Studio: An establishment engaged in motion picture, videotape or television production, and services relating thereto, including casting

Research and Development Facility: An establishment primarily engaged in computer/electronics research, engineering research, food research, social research, educational research, scientific research, or other similar research and/or research-based development of products, technology or information. Research and development facilities shall not involve use of chemicals, radiation, or pathogens for other than incidental use.

Retail: The sale, exchange or trade of merchandise, goods or items in small quantities to individual consumers, excluding personal services uses.

**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

Attachment A

Landscaping Requirements from Municipalities  
for Commercial and Industrial Property  
Adjacent to Residential Property

	Buffer width	Wall required	# of trees	Hedges
<b>DAVIE</b>				
Commercial and Industrial	10'	8' masonry	1 every 40 linear feet	hedge
<i>Proposed</i>				
<i>Community Business Center</i>	25'	8' masonry	1 canopy every 30 linear feet 1 accent every 50 linear feet	hedge
<b>SUNRISE</b>				
Commercial	5'	6' masonry	1 every 25 linear feet	hedge
Industrial	20'	6' masonry	1 every 25 linear feet	hedge
<b>PLANTATION</b>				
Office, Commercial, Industrial	25'	6' masonry	1 every 30 linear feet	bermed and hedge
<b>MIRAMAR</b>				
Commercial < 25,000 sq.ft. and Office	30'	4' masonry or hedge	3 every 40 linear feet	hedge or wall
Commercial > 25,000 sq.ft.	35'	4' masonry or hedge	3 every 40 linear feet	hedge or wall
Industrial	35'	4' masonry or hedge	3 every 40 linear feet	hedge or wall