

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by Deborah Ross, AICP, Planning Supervisor

**SUBJECT:** Ordinance –Residential Office (RO) Zoning District

**AFFECTED DISTRICT:** Townwide

### **TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-38; CORRECTING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES" SPECIFICALLY REVISING MORTUARY USE AS A CONDITIONALLY PERMITTED USE IN THE RO ZONING DISTRICT; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED" TO PROVIDE FOR DETAILED USE REGULATIONS REGARDING VIEWING SERVICES FOR MORTUARY USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

Ordinance No. 2002-38 was approved in December 2002. At that time a mortuary use, excluding viewing services, and additional uses including banks/financials, medical/dental clinic, nursery/childcare were added to the Residential Office zoning district.

As a result of this text change a mortuary use will be a conditional use subject to detailed use regulations as noted in the Land Development Code's Table of Permitted Use and the restriction "excluding viewing services " now may be found in Section 12-34, Standards Enumerated, Section V, Residential Office. In addition, as a result of this amendment a mortuary use in the commercial, office and business zoning districts will not be restricted.

**PREVIOUS ACTIONS:** Ordinance No. 2002-38 was approved by Town Council in December 2002.

**CONCURRENCES:** Local Planning Agency recommended approval at its January 14, 2004, meeting (Motion carried 5-0)

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject text change complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-38; CORRECTING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES" SPECIFICALLY REVISING MORTUARY USE AS A CONDITIONALLY PERMITTED USE IN THE RO ZONING DISTRICT; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED" TO PROVIDE FOR DETAILED USE REGULATIONS REGARDING VIEWING SERVICES FOR MORTUARY USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2002-38 was adopted approving an mortuary use without viewing services in the Residential Office (RO) zoning district. The ordinance in error restricted all mortuary uses in the commercial, office, and business districts.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide for clarification regarding viewing services for mortuary uses in the Residential Office (RO) zoning district; and

WHEREAS, the Town of Davie Local Planning Agency held a public hearing on January 14, 2004; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statute on February 4, 2004 and on the date of adoption of this Ordinance.

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

SECTION 1.

That Section 12-32, Table of Permitted Uses, of the Town Code is amended to read as follows:

(B) COMMERCIAL, OFFICE, AND BUSINESS DISTRICTS

GENERAL USE

	SC	WT	UC					
	&	&	&					
	B-1	B-2	B-3	O	FB	CC	CI	RO
Mortuary, excluding viewing services	P	P	P	P	P	P	P	<del>P</del> *

P = Permitted by right in this district

N= Not permitted by right in this district

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

SECTION 2. That Section 12-34, Standards Enumerated, Section V, Residential Office is amended to read as follows:

*Residential Office:* Professional and business offices in the RO district shall be constructed and maintained to resemble a residential structure. Offices may not consume more than fifty (50) percent of a mixed use structure. Viewing services are excluded from mortuary uses.

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 \_\_\_\_\_, 2004

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

\* \* \* \* \*

THIS PAGE  
INTENTIONALLY  
LEFT BLANK

\* \* \* \* \*