DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM
PZ 9-13-04

TO: Mayor and Councilmembers
Thomas J. Willi, Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, AICP, Deputy Planning and Zoning Manager

DATE: September 24, 2004

RE: *Zoning Conformance Areas #1 & 2.*

REQUEST: Staff is requesting that the above referenced item, currently scheduled for the October 6, 2004 meeting be tabled to the December 1, 2004 meeting. This request is necessary in order to advertise for a public meeting on October 21, 2004 at 4:00 PM in Town Council chambers. This is the third request by staff to table this Town initiated project.

HISTORY: Town Council previously tabled this item at the August 18, 2004 meeting to the October 6, 2004 Town Council meeting. Previously, the item was tabled from the June 16, 2004 Town Council meeting to the August 18, 2004 meeting.

JUSTIFICATION: The first tabling of this item was in light of the State Road 7 charrette and the potential such a workshop may have on the administrative rezoning process.

Staff subsequently scheduled a public meeting with affected property owners to discuss the rezonings on September 2, 2004. This meeting was cancelled due to Hurricane Frances. Staff will be noticing all affected property owners, via mail, for a rescheduled meeting date of October 21, 2004 at 4:00 PM in Town Council chambers.

CONCURRENCES: At the May 26, 2004 Planning and Zoning board meeting Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to deny based upon the Town Attorney looking into the vested interests of the landowner's rights that were agreed upon for the zoning back when they were brought into the Town; that the Town had the ability to add an M-4 zoning district to address the rights and interests of those effected owners; that to move this forward as it was would be a taking of rights; that there was the possibility of the existence of an agreement that was entered reasonably and relied upon by those owners at the time of the annexation and that possibly, this ordinance would undermine that agreement. Motion carried 4-1 with Mr. Stevens being opposed.

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, Zoning Conformance

AFFECTED DISTRICT: District 1 and 2

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REZONING CERTAIN REAL PROPERTY IN THE TOWN OF DAVIE AS SHOWN IN THE ATTACHED MAP FROM THE FOLLOWING ZONING DISTRICTS: HACIENDA VILLAGE (M-1, M-2, M-3, M-4, C-1, B-3, RM-5), BROWARD COUNTY (M-1, M-3, M-4, A-1, A-5, B-3), AND TOWN OF DAVIE (OLD CODE - RC-3, RC-8) TO VALID TOWN OF DAVIE ZONING DISTRICTS (B-3, M-1, M-2, M-3, RM-5, RM-8, RS, T) IN ACCORDANCE WITH TOWN OF DAVIE ORDINANCE NO. 2003-21; ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 MORE SPECIFICALLY DEFINED AS EAST OF FLORIDA'S TURNPIKE, NORTH OF ORANGE DRIVE TO THE NORTHERN AND EASTERN LIMITS OF THE TOWN AND ZONING CONFORMANCE AREA 2 MORE SPECIFICALLY DEFINED AS EAST OF UNIVERSITY DRIVE, SOUTH OF GRIFFIN ROAD, WEST OF 76 AVENUE AND NORTH OF STIRLING ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

Background

The Planning and Zoning Division has initiated a Townwide Zoning Conformance for those parcels of real property located in the Town that do not have a current Town of Davie zoning district. An Ordinance (No. 2003-21) in support of this initiation was approved at the June 4, 2003 Town Council meeting. (See Attachment 2)

It is the intent of this ordinance to provide for the rezoning of all real property in Zoning Conformance Area 1 and 2 not designated with a Town of Davie zoning district to a valid Town of Davie zoning district in conformance with Section 12-2 of the Town of Davie Land Development Code.

The Town of Davie has annexed various parcels into the Town with Broward County and other zoning designations. Florida Statutes Chapter 171.062(1)&(2) provide that an area annexed to a municipality shall be subject to all laws, ordinances, and regulations in force in that municipality and shall be entitled to the same privileges and benefits as other parts of that municipality upon the effective date of the annexation and that zoning regulations for annexed

areas remain in full force and effect until a municipality adopts a comprehensive plan amendment that includes the annexed area.

The proposed official zoning map of the Town for Zoning Conformance Areas 1 & 2 are Exhibits "A", "B", "C", and "D" to the attached ordinance.

Methodology

The Town has been divided into 5 (five) geographic areas which roughly correspond to the Town Council districts with the exception of Area 5 which encompasses the land area designated RAC (Regional Activity Center) by the Town's Land Use Plan Map. (See Attachment 3 - Zoning Conformance Areas Map)

Staff, through review of the Town's Zoning Map, has identified approximately 10,000 parcels that do not have a current Town of Davie zoning district. These identified zoning districts include Hacienda Village, Broward County, and Town of Davie (Old Code). The first phase of the Townwide Zoning Conformance includes Zoning Conformance Areas 1 & 2. The highlighted areas indicate all real property identified for rezoning to a valid Town of Davie zoning district. The existing zoning for each parcel was identified and evaluated. Each parcel was then assigned a Town of Davie zoning district that corresponded with the existing zoning and use. Zoning Conversion Tables for Zoning Conformance Area 1 & 2 are provided for each folio number identified indicating the existing zoning and the proposed zoning. (See Attachment 4)

Zoning Conformance Areas

Area 1

Area 1 has approximately 222 parcels that do not have a current Town of Davie zoning designation. Area 1 is located south of I-595, east of the Florida's Turnpike and north and south of Griffin Road. This Area is comprised of the following Sections, Townships and Ranges – 19-50-42, 20-50-42, 24-50-41, 25-50-41, and 36-50-41. The predominant Land Use designation for this area is "Industrial" on the Town's Land Use Map and on the Broward County Land Use Map. The identified zoning districts requiring conformance are predominately industrial and transportation and are either currently zoned Broward County or Hacienda Village.

A total of twenty-eight (28) parcels are identified in Area 1 as subject to the Forman Agreement and are excluded from the zoning conformance.

Within Zoning Conformance Area 1, non-conforming properties in the following Sections, Townships and Ranges were identified for rezoning to Town of Davie zoning districts – 19-50-42, 24-50-41, and 25-50-41. (See Exhibits "A", "B", and "C" to the attached ordinance)

Area 2

Area 2 is located west of Florida's Turnpike, south of Griffin Road, east of University Drive, exclusive of the area designated RAC. This Area is comprised of the following Sections, Townships, and Ranges - 33-50-41, 34-50-41, 35-50-41, 04-51-41, 03-41-51, and 02-51-41.

Area 2 has approximately 102 parcels that do no have a current Town of Davie zoning district but these individual parcels comprise the townhome subdivision known as Saddle Up. The Town's Land Use Plan designations for this area are "Residential 10 DU/AC" and "Residential 3 DU/AC".

Within Zoning Conformance Area 2, non-conforming properties in the following Section, Township and Range were identified for rezoned to Town of Davie zoning districts – 33-50-41. (See Exhibit "D" to the attached ordinance)

Non-Conforming Use

A number of the parcels proposed for rezoning do not conform with their existing zoning or to the proposed Town of Davie zoning. For example, Leisure Time Cinema at 3917 S. State Road 7, is an adult use that is not permitted under the existing M-2 (Hacienda Village) zoning that will remain a non-conforming use under the proposed M-2 zoning district. Staff notes that approval of the proposed zoning conformance ordinance will not eliminate existing non-conformities. Any future development of these parcels is required to meet the requirements of the proposed zoning district.

Vested Rights

Property owners may request a vested rights determination in accordance with the procedures established in the Town's Land Development Code, Section 12-312-313. (See Attachment 5 - Ordinance No. 2001-49)

Notification of Hearing Dates

Notification for the subject Areas was completed in compliance with Chapter 166.041(3)(c)2.a. and b. Notification is based on the fact that the municipality is changing the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, than the governing body shall provide for public notice and hearings. Two advertised public hearings will be held and an ad was placed in the Sun Sentinel newspaper on May 26, 2004. Additional notification was provided in accordance with Section 12-306(F)(1) of the Town of Davie Land Development Code where all persons owning property within one thousand (1000) feet of the exterior boundary of each property proposed for rezoning were notified by mail.

PREVIOUS ACTIONS: None

CONCURRENCES: At the March 24, 2004 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Lee, to table to the next meeting (April 14, 2004) and request staff to amend the ordinance to waive the fee on the vested rights issue for residents that are effected by this ordinance; to remove hurricanes and other casualties from losing the non-conforming status; and extend the amount of time for the transfer of occupational licenses. Motion carried 4-0 with Mr. McLaughlin absent.

Staff had revised the proposed ordinance based on the Board's recommendations including the addition of Section 3 which addresses allowing the continuation of legal non-conforming uses following destruction by a natural disaster and Section 4 which extends the time for the

continuation of a discontinued or abandoned use. Section 3 of the proposed ordinance allows for the continuation of legal non-conforming uses and therefore eliminates the need to add language to the ordinance to waive the fee for a vested rights determination.

At the April 14, 2004 meeting, the Planning and Zoning Board voted to table this item to the May 12, 2004 Planning and Zoning Board meeting.

At the May 12, 2004 meeting, the Planning and Zoning Board voted to withdraw this item.

The item was withdrawn and readvertised in order to allow staff additional time to meet with interested parties and address to their concerns. Based on several meeting staff held with interested property owners, staff has prepared a modified ordinance, which is presented tonight.

At the May 26, 2004 Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to deny based upon the Town Attorney looking into the vested interests of the landowner's rights that were agreed upon for the zoning back when they were brought into the Town; that the Town had the ability to add an M-4 zoning district to address the rights and interests of those effected owners; that to move this forward as it was would be a taking of rights; that there was the possibility of the existence of an agreement that was entered reasonably and relied upon by those owners at the time of the annexation and that possibly, this ordinance would undermine that agreement. Motion carried 4-1 with Mr. Stevens being opposed.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff recommends that Town Council approve the Ordinance.

Attachments:
1. Proposed Ordinance
2. Ordinance No. 2003-21
3. Zoning Conformance Areas
4. Zoning Conversion Tables
5. Ordinance No. 2001-49

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REZONING CERTAIN REAL PROPERTY IN THE TOWN OF DAVIE AS SHOWN IN THE ATTACHED MAP FROM THE FOLLOWING ZONING DISTRICTS: HACIENDA VILLAGE (M-1, M-2, M-3, M-4, C-1, B-3, RM-5), BROWARD COUNTY (M-1, M-3, M-4, A-1, A-5, B-3), AND TOWN OF DAVIE (OLD CODE - RC-3, RC-8) TO VALID TOWN OF DAVIE ZONING DISTRICTS (B-3, M-1, M-2, M-3, RM-5, RM-8, RS, T) IN ACCORDANCE WITH TOWN OF DAVIE ORDINANCE NO. 2003-21; ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 MORE SPECIFICALLY DEFINED AS EAST OF FLORIDA'S TURNPIKE, NORTH OF ORANGE DRIVE TO THE NORTHERN AND EASTERN LIMITS OF THE TOWN AND ZONING CONFORMANCE AREA 2 MORE SPECIFICALLY DEFINED AS EAST OF UNIVERSITY DRIVE, SOUTH OF GRIFFIN ROAD, WEST OF 76 AVENUE AND NORTH OF STIRLING ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 4, 2003, the Town Council of the Town of Davie passed Ordinance 2003-21 providing for regulations requiring that real property within the Town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code; and

WHEREAS, the Town of Davie has annexed various parcels into the Town with Broward County and other zoning designations; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Official Zoning Map to provide that these parcels be designated with a valid Town of Davie zoning district; and

WHEREAS, it is the intent of this ordinance to provide for the rezoning of all real property in the Town to a valid Town of Davie zoning district; and

WHEREAS, it is understood that existing legal uses may become legal non-conforming as a result of this ordinance; and

WHEREAS, it is the intent of this ordinance to allow existing legal uses to remain when the existing use is legally permitted; and

WHEREAS, it is the intent of this ordinance to allow existing legal uses to remain in the M-3 zoning district when the underlying land use classification is industrial and the existing use is legally permitted ; and

WHEREAS, any property owner may request a vested rights determination as provided for in the Land Development Code Section 12-312 and 313; and

WHEREAS, this ordinance shall apply to all real property without a valid Town of Davie zoning district; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

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

SECTION 1. That the properties herein after shown be and the same are hereby rezoned in conformance with the official zoning map of the Town of Davie:

a. The official zoning map of the Town of Davie is show in Exhibits "A", "B", "C", and "D" which are attached hereto and made a part hereof.

SECTION 2. That the official zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the properties described in Section 1, herein, as valid Town of Davie Zoning Districts.

SECTION 3. That legal non-conforming uses existing at the time of adoption of this Ordinance that are damaged or destroyed by hurricane or other natural disaster shall be allowed to continue the same use existing immediately prior to the time the structure was damaged or destroyed. The land development regulations existing at the time of redevelopment shall apply to site reconstruction.

SECTION 4. That the requirement that when a nonconforming use is discontinued or abandoned for ninety (90) consecutive days or for a total of six (6) months during any two-year period, except when government action impedes access to the premises, the use shall not thereafter be used except in conformance with the regulations of the district in which it is located, shall be extended to a period of one hundred eighty (180) consecutive days.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 6. 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 7. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS_____DAY OF_____, 2004

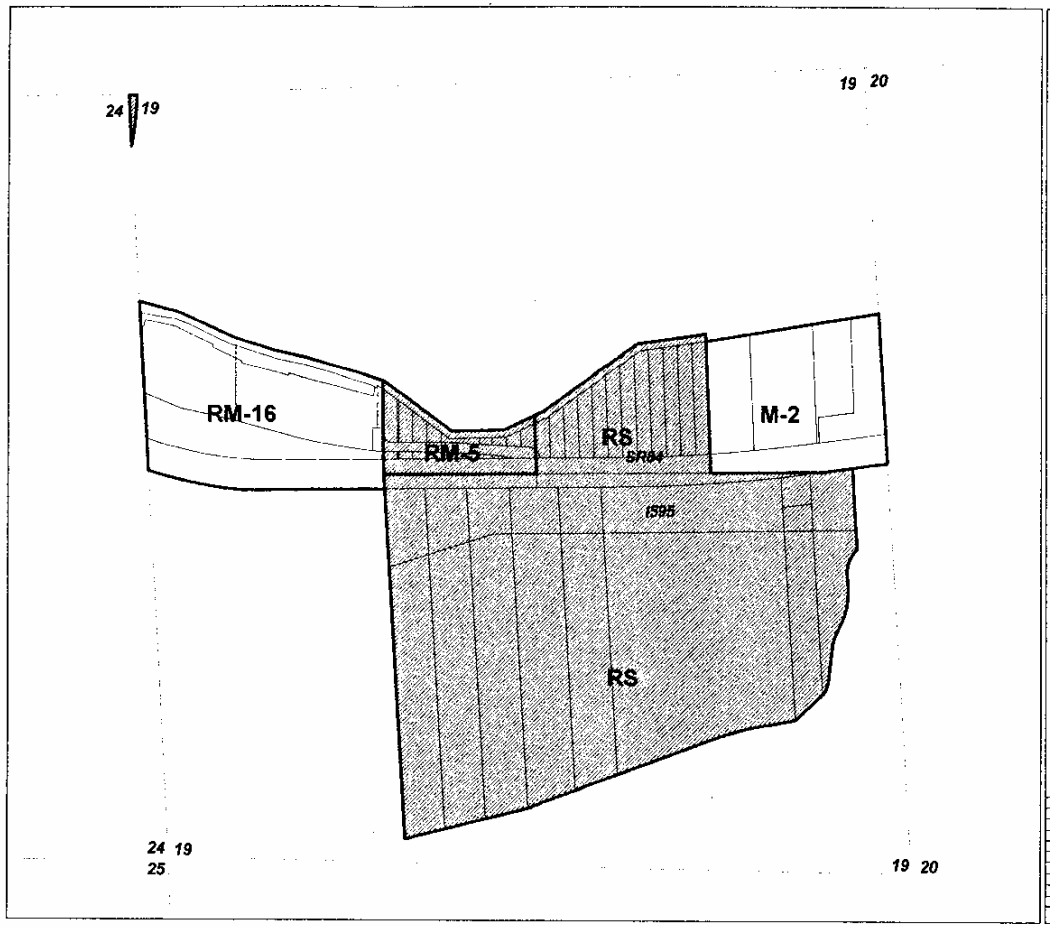
PASSED ON SECOND READING THIS_____DAY OF_____, 2004

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____ , 2004



TOWN OF DAVIE
Zoning Map

EXHIBIT "A"

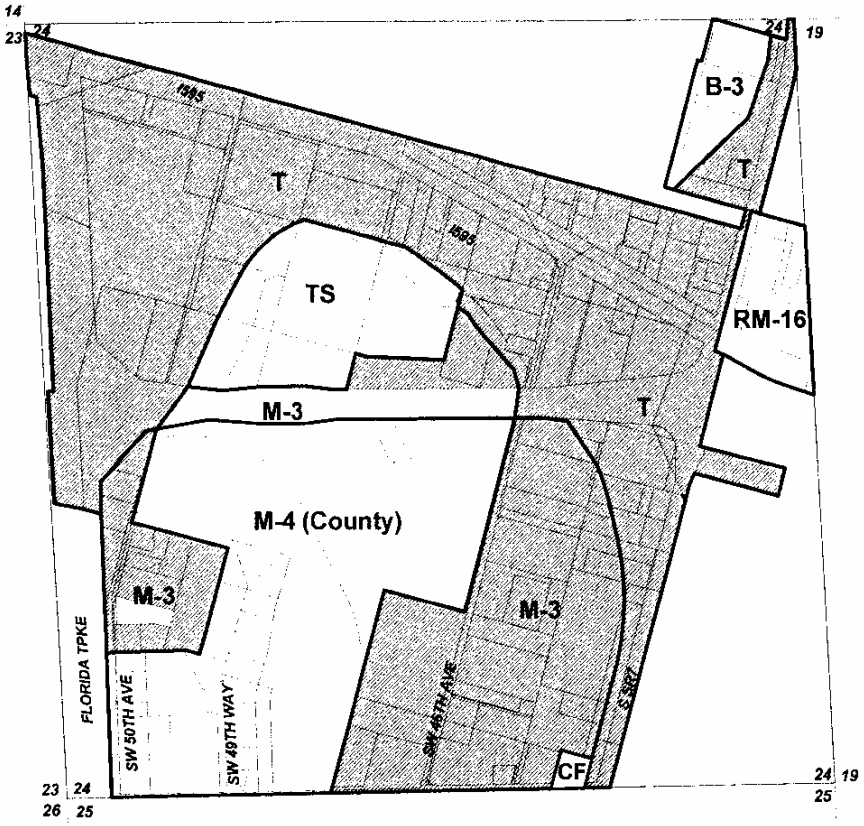
Section 19
Township 50 South
Range 42 East

N
W E
S

1:7200
Prepared by the Town of Davie GIS Division

REVISIONS

Sheet 43 of 49



TOWN OF DAVIE
Zoning Map

EXHIBIT "B"

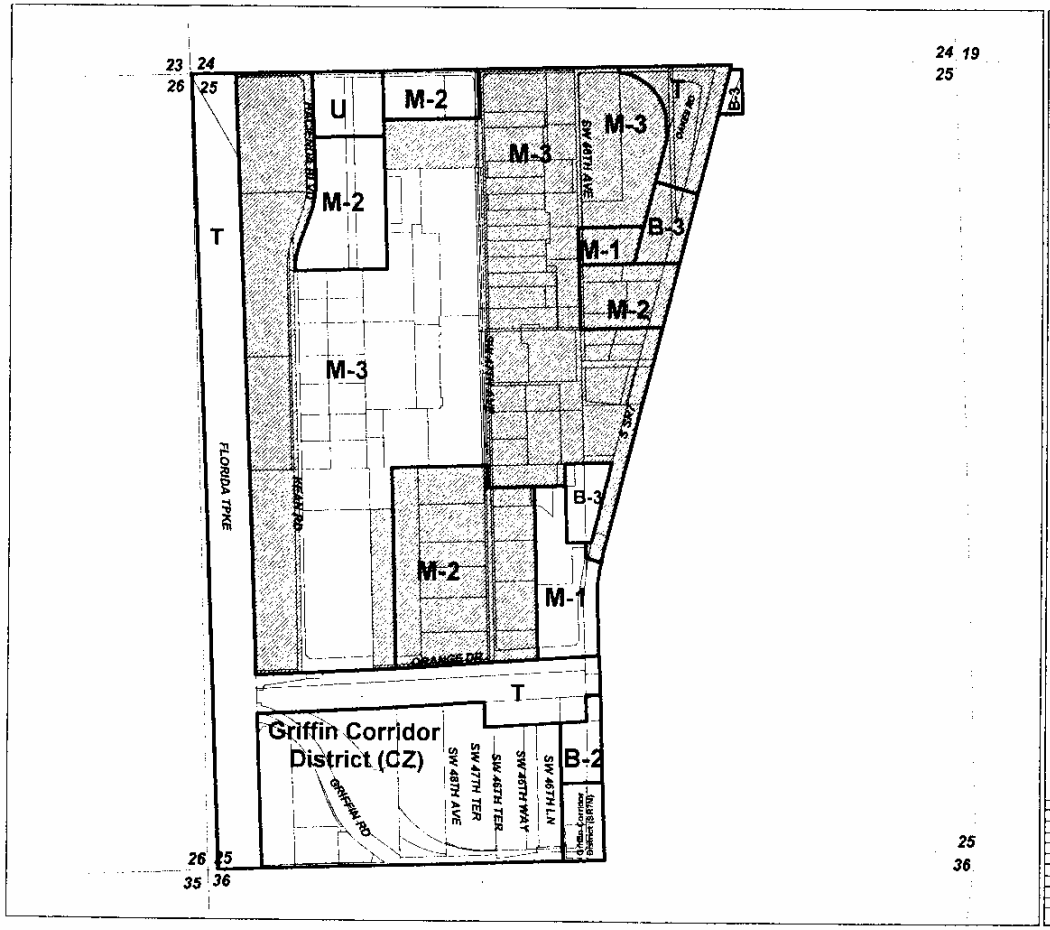
Section 24
Township 50 South
Range 41 East

N
W E
S

1:7200
Prepared by the Town of Davie GIS Division

REVISIONS

Sheet 32 of 49



TOWN OF DAVIE
Zoning Map

EXHIBIT "C"

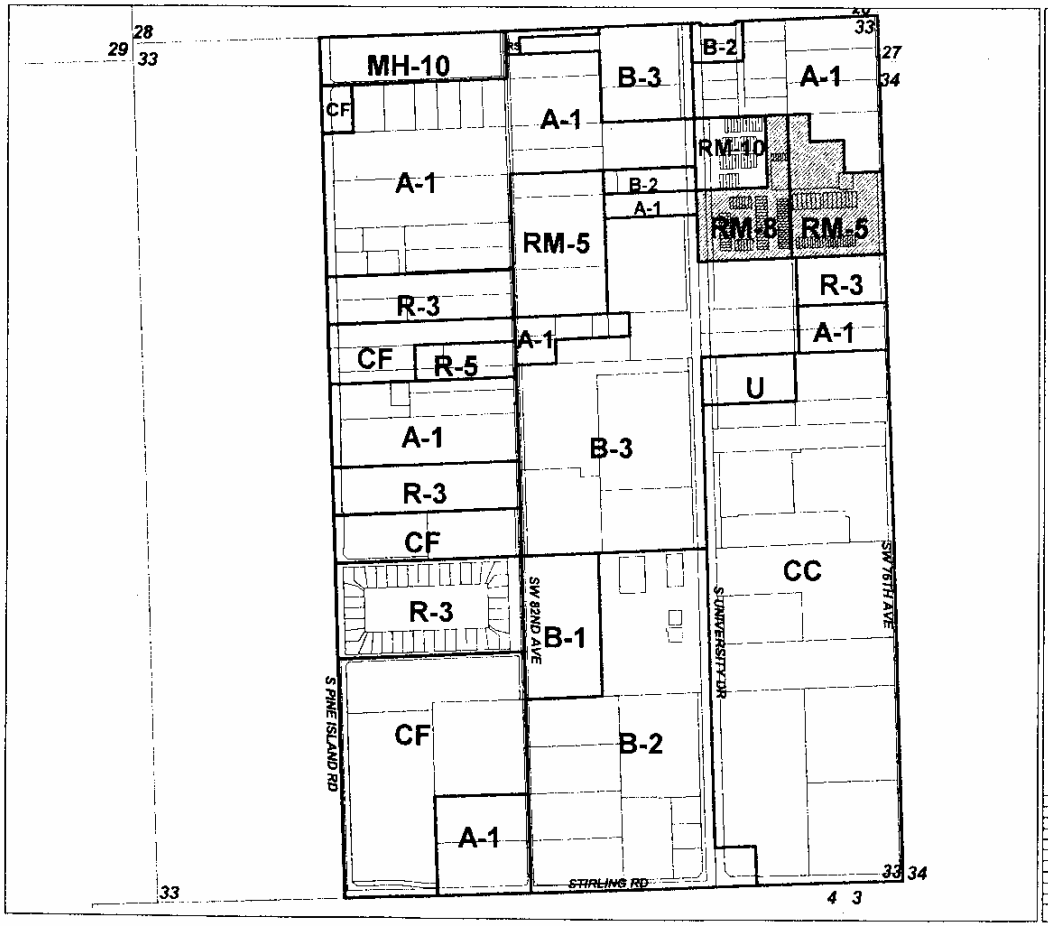
Section 25
Township 50 South
Range 41 East

N
W E
S

1:7200
Prepared by the Town of Davie GIS Division

REVISIONS

Sheet 33 of 49



TOWN OF DAVIE
Zoning Map

EXHIBIT "D"

Section 33
Township 50 South
Range 41 East

N
W E
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1:7400

Prepared by the Town of Davie GIS Division

REVISIONS

Sheet 39 of 49

ATTACHMENT 2

ORDINANCE 2003-21

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE I, SECTION 12-2, "LEGISLATIVE INTENT"; PROVIDING FOR REGULATIONS REQUIRING THAT REAL PROPERTY WITHIN THE TOWN SHALL BE DESIGNATED WITH A VALID TOWN OF DAVIE ZONING DISTRICT AS ESTABLISHED IN THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR REGULATIONS; PROVIDING FOR A TIMEFRAME; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CRITERIA FOR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171.062(2) F.S. provide that zoning regulations for annexed areas remain in full force and effect until a municipality adopts a comprehensive plan amendment that includes the annexed area; and

WHEREAS, the Town of Davie has annexed various parcels into the Town with Broward County and other zoning designations; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to require that these parcels be designated with a valid Town of Davie zoning district; and

WHEREAS, it is the intent of this ordinance to require all real property in the Town to rezone to a valid Town of Davie zoning district prior to site plan approval; and

WHEREAS, any modification to a development order will require the parcel to rezone to a valid Town of Davie zoning district; and

WHEREAS, this ordinance shall apply to all real property without a valid Town of Davie zoning district; and

WHEREAS, the Town anticipates the completion of the administrative rezoning of all non-conforming parcels within 18 months; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

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

SECTION 1. That Section 12-2 of the Town Code is amended to read as follows:

This chapter conforms to the Town of Davie Comprehensive Plan, and furthers the goals, objectives and policies contained herein. Further, this chapter is in conformance with Chapter 163, Florida Statutes. This chapter conforms with Chapter 171, Florida Statutes relating to the effects of annexation on the zoning of annexed areas. All real property within the Town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II prior to issuance of a development permit.

SECTION 2. The definition of a development permit is any building permit, zoning permit, subdivision or plat approval, site plan approval, rezoning, special exception, variance or other official action of a unit of local government having the effect of permitting the development of land, but does not include any variance of other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, 1984, Broward Edition, as amended. For the purpose of this ordinance, a building permit, not related to another application shall be exempt from the rezoning requirements.

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 21st DAY OF May, 2003

PASSED ON SECOND READING THIS 4th DAY OF June, 2003

MAYOR/COUNCILMEMBER

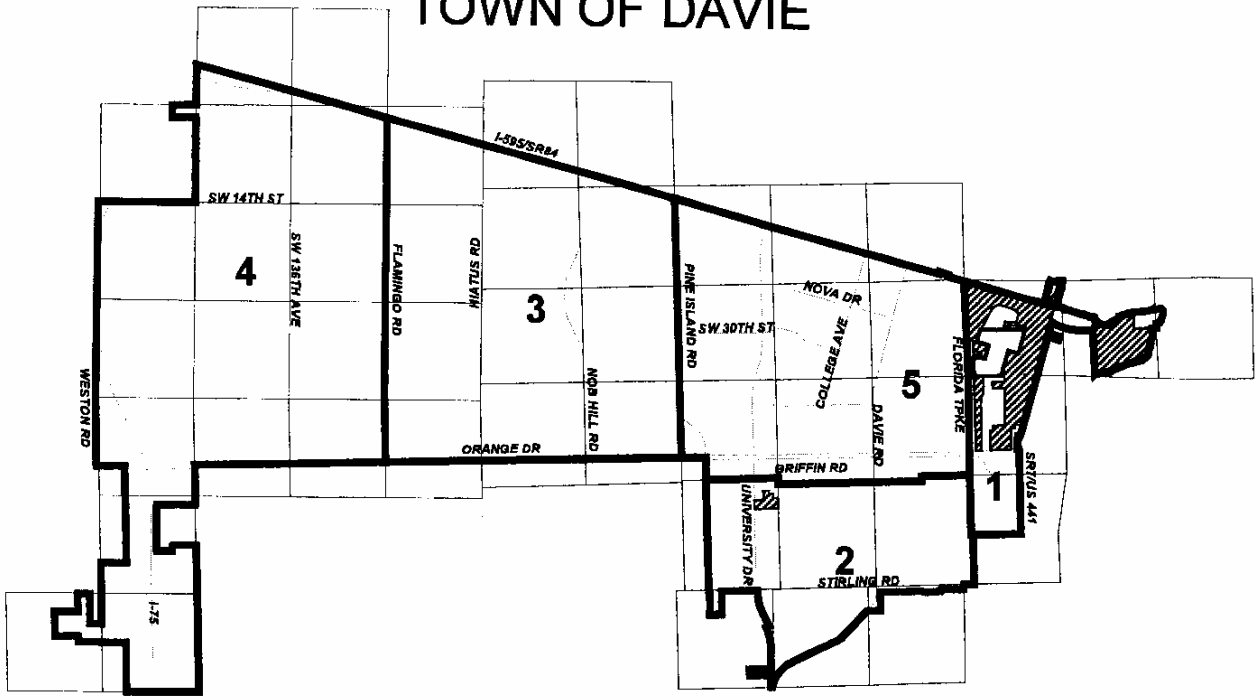
ATTEST:

TOWN CLERK

APPROVED THIS 4th DAY OF June, 2003

ATTACHMENT 3

TOWN OF DAVIE



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1 0 1 2 Miles

Town of Davie GIS Division

Zoning Conformance Areas

Prepared By: ILD
Date Prepared: 3/11/04

ATTACHMENT 4

ZONING CONVERSION TABLE - AREA 1

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504119010123	M-2 (Hac. Vill.)	M-2
504124010010	M-3 (Hac. Vill.)	T
504124010011	M-3 (Hac. Vill.)	T
504124010020	M-3 (Hac. Vill.)	T
504124020010	C-1 (Hac. Vill.)	T
504124020020	C-1 (Hac. Vill.)	T
504124020030	C-1 (Hac. Vill.)	T
504124020040	C-1 (Hac. Vill.)	T
504124020050	C-1 (Hac. Vill.)	T
504124020060	C-1 (Hac. Vill.)	T
504124020070	C-1 (Hac. Vill.)	T
504124020080	C-1 (Hac. Vill.)	T
504124020090	C-1 (Hac. Vill.)	T
504124020101	C-1 (Hac. Vill.)	T
504124020130	C-1 (Hac. Vill.)	T
504124020140	C-1 (Hac. Vill.)	T
504124020160	C-1 (Hac. Vill.)	T
504124020170	C-1 (Hac. Vill.)	T
504124020180	C-1 (Hac. Vill.)	T
504124050020	M-4 (County)	M-3
504124050021	A-5 (County)	T
504124050040	M-3 (Hac. Vill.)	T
504124050070	A-5 (County)	T
504124070010	M-4 Hac. Vill.)	M-3
504124080010	M-3 (County)	T
504124080012	M-3 (County)	M-3
504124080020	M-3 (County)	T
504124080021	M-3 (County)	M-3
504124100040	M-4 (County)	M-3
504124100050	M-4 (County)	M-3
504124100210	M-4 (County)	M-3
504124120010	M-3 (County)	M-3
504124120010	B-3 (County)	T
504124120020	M-3 (Hac. Vill.)	M-3
504124120020	M-3 (County)	M-3
504124120020	B-3 (County)	T
504124120021	M-3 (County)	M-3
504124120021	B-3 (County)	T
504124120030	M-3 (County)	M-3
504124120030	B-3 (County)	T
504124130010	M-3 (County)	M-3
504124140010	M-3 (Hac. Vill.)	M-3
504124150010	M-3 (Hac. Vill.)	M-3
504124160030	M-4 (County)	M-3
504125010070	M-3 (Hac. Vill.)	T
504125010070	M-3 (Hac. Vill.)	T
504125010071	B-3 (Hac. Vill.)	B-3
504125010080	M-4 (Hac. Vill.)	M-3
504125010081	M-4 (Hac. Vill.)	M-3

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504125010082	M-4 (Hac. Vill.)	M-3
504125010083	M-4 (Hac. Vill.)	M-3
504125010084	M-4 (Hac. Vill.)	M-3
504125010085	M-4 (Hac. Vill.)	M-3
504125010085	M-4 (County)	M-3
504125010086	M-4 (Hac. Vill.)	M-3
504125010087	M-4 (Hac. Vill.)	M-3
504125010088	M-4 (Hac. Vill.)	M-3
504125010089	M-4 (Hac. Vill.)	M-3
504125010090	M-4 (Hac. Vill.)	M-3
504125010091	M-4 (Hac. Vill.)	M-3
504125010093	M-4 (Hac. Vill.)	M-3
504125010094	M-4 (Hac. Vill.)	M-3
504125010097	M-4 (Hac. Vill.)	M-3
504125010170	M-4 (Hac. Vill.)	M-3
504125010174	M-4 (Hac. Vill.)	M-3
504125010177	M-4 (Hac. Vill.)	M-3
504125010179	M-4 (Hac. Vill.)	M-3
504125030010	M-2 (Hac. Vill.)	M-2
504125030020	M-2 (Hac. Vill.)	M-2
504125030021	M-2 (Hac. Vill.)	M-2
504125030070	M-2 (Hac. Vill.)	M-2
504125070010	M-3 (County)	M-3
504125070020	M-1 (County)	M-1
504125070020	M-3 (County)	M-3
504125080010	M-4 (Hac. Vill.)	M-3
504125080011	M-4 (Hac. Vill.)	M-3
504125080022	M-4 (Hac. Vill.)	M-3
504125200020	M-4 Hac. Vill.)	M-3
504125230010	M-4 (Hac. Vill.)	M-3
504125270010	M-4 (Hac. Vill.)	M-3
504137010090	M-3 (Hac. Vill.)	T
504137010100	M-3 (Hac. Vill.)	T
504137010100	M-3 (Hac. Vill.)	T
504137010111	B-3 (County)	T
504137010111	M-3 (County)	T
504137010112	M-3 (County)	M-3
504137010113	M-3 (County)	M-3
504137010114	B-3 (County)	T
504137010114	M-3 (County)	T
504137010115	M-3 (County)	T
504137010116	M-3 (County)	M-3
504137010123	B-3 (County)	T
504137010123	M-3 (County)	T
504137010130	M-2 (Hac. Vill.)	M-2
504137010130	M-2 (Hac. Vill.)	M-2
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	M-3 (Hac. Vill.)	M-3

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504137010130	M-3 (Hac. Vill.)	M-3
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	M-4 (Hac. Vill.)	M-3
504137010130	B-3 (County)	T
504137010161	M-3 (Hac. Vill.)	M-3
504137010170	B-3 (County)	T
504137010173	B-3	T
504137010190	M-3 (Hac. Vill.)	T
504137010191	M-3 (Hac. Vill.)	T
504137010192	M-3 (Hac. Vill.)	T
504137010200	M-3 (Hac. Vill.)	M-3
504137010230	M-3 (Hac. Vill.)	T
504137010240	M-3 (Hac. Vill.)	M-3
504137010290	M-3 (Hac. Vill.)	M-3
504137010291	M-3 (Hac. Vill.)	M-3
504137010292	M-3 (Hac. Vill.)	M-3
504137010293	M-3 (Hac. Vill.)	M-3
504137010295	M-3 (Hac. Vill.)	M-3
504137010300	M-3 (Hac. Vill.)	M-3
504137010301	M-3 (Hac. Vill.)	M-3
504137010310	M-3 (Hac. Vill.)	M-3
504137010311	M-3 (Hac. Vill.)	M-3
504137010312	M-3 (Hac. Vill.)	M-3
504137010313	M-3 (Hac. Vill.)	M-3
504137010320	M-3 (Hac. Vill.)	M-3
504137010330	M-3 (Hac. Vill.)	M-3
504137010330	M-3 (Hac. Vill.)	M-3
504137010331	M-3 (Hac. Vill.)	M-3
504137010332	M-3 (Hac. Vill.)	M-3
504137010380	M-3 (Hac. Vill.)	T
504137010390	C-1 (Hac. Vill.)	T
504137010400	C-1 (Hac. Vill.)	T
504137010410	C-1 (Hac. Vill.)	T
504137010411	C-1 (Hac. Vill.)	T
504137010420	M-3 (County)	T
504137010420	M-3 (Hac. Vill.)	T
504137010430	M-3 (Hac. Vill.)	T
504137010440	M-3 (Hac. Vill.)	M-3
504137010450	M-3 (Hac. Vill.)	M-3
504137010460	M-3 (Hac. Vill.)	T
504137010460	M-3 (Hac. Vill.)	T
504137010460	M-3 (Hac. Vill.)	T
504137010470	M-3 (Hac. Vill.)	T
504137010520	M-3 (County)	M-3
504137010530	M-3 (Hac. Vill.)	M-3
504137010540	B-3 (County)	T
504137010540	B-3 (County)	T
504137010570	M-3 (Hac. Vill.)	T
504137010571	M-3 (Hac. Vill.)	T
504137010572	M-3 (Hac. Vill.)	T
504137010580	M-3 (Hac. Vill.)	T

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504137010590	C-1 (Hac. Vill.)	T
504137010610	C-1 (Hac. Vill.)	T
504137010630	C-1 (Hac. Vill.)	T
504137010650	M-3 (Hac. Vill.)	T
504137010660	M-3 (Hac. Vill.)	T
504137010680	M-3 (Hac. Vill.)	T
504137010860	C-1 (Hac. Vill.)	T
504137010861	M-3 (Hac. Vill.)	T
504137010940	M-3 (Hac. Vill.)	T
504137011020	M-3 (Hac. Vill.)	T
504137011020	A-1 (County)	T
504137011050	M-4 (County)	M-3
504137011053	M-4 (Hac. Vill.)	M-3
504137011054	M-4 (Hac. Vill.)	M-3
504137011055	M-4 (Hac. Vill.)	M-3
504137011062	M-4 (County)	T
504137011084	M-4 (Hac. Vill.)	M-3
504137011093	M-4 (County)	M-3
504137011101	M-4 (Hac. Vill.)	M-3
504137011200	M-3 (County)	T
504137011200	M-3 (County)	T
504137011200	M-4 (County)	T
504137011201	M-3 (County)	T
504137011202	M-3 (County)	T
504137011210	M-4 (County)	M-3
504137011212	M-4 (Hac. Vill.)	M-3
504137011221	M-4 (Hac. Vill.)	M-3
504137011231	M-4 (Hac. Vill.)	M-3
504137011310	M-3 (County)	T
504137011310	M-4 (County)	T
504137011312	M-3 (Hac. Vill.)	T
504137011312	M-3 (Hac. Vill.)	T
504137011312	B-3 (County)	T
504137011312	B-3 (County)	T
504137011312	M-3 (County)	T
504137011661	B-3 (Hac. Vill.)	B-3
504137011661	M-1 (County)	M-1
504137011661	M-2 (Hac. Vill.)	M-2
504137011661	M-2 (Hac. Vill.)	M-2
504137011661	M-3 (County)	M-3
504137011661	A-1 (County)	M-3
504137011661	M-4 (Hac. Vill.)	M-3
504137011661	B-3 (County)	M-3
504137011661	M-4 (Hac. Vill.)	M-3
504137011661	M-3 (County)	M-3
504137011661	M-3 (Hac. Vill.)	T
504137011827	M-3 (County)	T
504137011827	M-3 (Hac. Vill.)	T
504219000070	M-1 (Hac. Vill.)	RS
504219000091	RM-5 (Hac. Vill.)	RM-5
504219000091	RM-5 (Hac. Vill.)	RS

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504219000091	M-1 (Hac. Vill.)	RS
504219000094	M-1 (Hac. Vill.)	RS
504219000095	M-1 (Hac. Vill.)	RS
504219000098	M-1 (Hac. Vill.)	RS
504219000099	M-1 (Hac. Vill.)	RS
504219000102	RM-5 (Hac. Vill.)	RM-5
504219000103	M-1 (Hac. Vill.)	RS
504219000103	M-1 (Hac. Vill.)	RS
504219000105	M-1 (Hac. Vill.)	RS
504219010001	RM-5 (Hac. Vill.)	RM-5
504219010010	RM-5 (Hac. Vill.)	RS
504219010130	RM-5 (Hac. Vill.)	RM-5
504219010140	RM-5 (Hac. Vill.)	RM-5
504219010150	RM-5 (Hac. Vill.)	RM-5
504219010160	RM-5 (Hac. Vill.)	RM-5
504219010170	RM-5 (Hac. Vill.)	RM-5
504219010180	RM-5 (Hac. Vill.)	RM-5
504219010181	RM-5 (Hac. Vill.)	RM-5
504219010190	RM-5 (Hac. Vill.)	RM-5
504219010200	RM-5 (Hac. Vill.)	RM-5
504219010201	RM-5 (Hac. Vill.)	RM-5
504219010210	RM-5 (Hac. Vill.)	RM-5
504219240020	M-3 (Hac. Vill.)	T

ZONING CONVERSION TABLE - AREA 2

FOLIO NUMBER	EXISTING ZONING	PROPOSED ZONING
504133080010	RC-3	RM-5
504133080011	RC-3	RM-5
504133080020	RC-3	RM-5
504133080030	RC-3	RM-5
504133080040	RC-3	RM-5
504133080050	RC-3	RM-5
504133080060	RC-3	RM-5
504133080070	RC-3	RM-5
504133080080	RC-3	RM-5
504133080090	RC-3	RM-5
504133080100	RC-3	RM-5
504133080110	RC-3	RM-5
504133080120	RC-3	RM-5
504133080130	RC-3	RM-5
504133080140	RC-3	RM-5
504133080490	RC-3	RM-5
504133080480	RC-3	RM-5
504133080470	RC-3	RM-5
504133080460	RC-3	RM-5
504133080450	RC-3	RM-5
504133080440	RC-3	RM-5
504133080430	RC-3	RM-5
504133080420	RC-3	RM-5
504133080410	RC-3	RM-5
504133080400	RC-3	RM-5
504133080390	RC-3	RM-5
504133080380	RC-3	RM-5
504133080370	RC-3	RM-5
504133080360	RC-3	RM-5
504133080350	RC-3	RM-5
504133080340	RC-3	RM-5
504133080930	RC-3	RM-5
504133080920	RC-3	RM-5
504133080910	RC-3	RM-5
504133080900	RC-3	RM-5
504133080500	RC-8	RM-8
504133080890	RC-8	RM-8
504133080880	RC-8	RM-8
504133080870	RC-8	RM-8
504133080860	RC-8	RM-8
504133080850	RC-8	RM-8
504133080840	RC-8	RM-8
504133080830	RC-8	RM-8
504133080150	RC-8	RM-8
504133080510	RC-8	RM-8
504133080160	RC-8	RM-8
504133080520	RC-8	RM-8
504133080170	RC-8	RM-8
504133080530	RC-8	RM-8

504133080180	RC-8	RM-8
504133080190	RC-8	RM-8
504133080540	RC-8	RM-8
504133080200	RC-8	RM-8
504133080550	RC-8	RM-8
504133080820	RC-8	RM-8
504133080210	RC-8	RM-8
504133080560	RC-8	RM-8
504133080220	RC-8	RM-8
504133080810	RC-8	RM-8
504133080230	RC-8	RM-8
504133080570	RC-8	RM-8
504133080800	RC-8	RM-8
504133080790	RC-8	RM-8
504133080240	RC-8	RM-8
504133080580	RC-8	RM-8
504133080780	RC-8	RM-8
504133080250	RC-8	RM-8
504133080590	RC-8	RM-8
504133080260	RC-8	RM-8
504133080600	RC-8	RM-8
504133080270	RC-8	RM-8
504133080770	RC-8	RM-8
504133080610	RC-8	RM-8
504133080280	RC-8	RM-8
504133080760	RC-8	RM-8
504133080290	RC-8	RM-8
504133080620	RC-8	RM-8
504133080750	RC-8	RM-8
504133080300	RC-8	RM-8
504133080660	RC-8	RM-8
504133080670	RC-8	RM-8
504133080680	RC-8	RM-8
504133080690	RC-8	RM-8
504133080700	RC-8	RM-8
504133080710	RC-8	RM-8
504133080630	RC-8	RM-8
504133080310	RC-8	RM-8
504133080740	RC-8	RM-8
504133080640	RC-8	RM-8
504133080320	RC-8	RM-8
504133080730	RC-8	RM-8
504133080330	RC-8	RM-8
504133080650	RC-8	RM-8
504133080720	RC-8	RM-8
504133080010	RC-8	RM-8
504133080990	RC-8	RM-8
504133080980	RC-8	RM-8
504133080970	RC-8	RM-8
504133080960	RC-8	RM-8
504133080950	RC-8	RM-8
504133080940	RC-8	RM-8

ATTACHMENT 5

ORDINANCE NO. 2001-49

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING CURRENT DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "ADMINISTRATIVE APPEALS PROCEDURE", AND CREATING A NEW DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "VESTED RIGHTS DETERMINATION"; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie, Florida, finds and determines it is in the best interests of the Town of Davie that there be a an amendment to the Land Development Code to provide for a specific procedure for making vested rights determinations;

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to delete the current Division 4 of Section 12 of the Land Development Code entitled "Administrative Appeals Procedure" and create a new Division 4 of Section 12 of the Land Development Code entitled "Vested Rights Determination" which establishes procedure for vested rights procedure; and

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

SECTION 1. Division 4 of Section 12 of the Land Development Code is deleted.

SECTION 2. A new Division 4 of Section 12 of the Land Development Code is hereby added:

DIVISION 4. VESTED RIGHTS DETERMINATION

Sec. 12-312. Purpose.

The purpose of this division is to set forth the procedure for a vested rights determination. The term "vested rights" encompasses both a claim for vested rights and a claim of equitable estoppel.

Sec. 12-313. Procedure for Vested Rights Determination.

A) A request for a vested rights determination shall be made by the applicant in a letter to the Town Attorney, with a copy of the letter simultaneously sent to the Town Administrator, the Development Services Director, the Mayor and each

Councilmember.

B) Accompanying the copy of the letter to the Town Administrator shall be a fee of $1,500.00 by the applicant to the Town of Davie to cover the cost to the Town for making the vested rights determination.

C) The letter requesting a vested rights determination shall state with specificity each and every reason and each and every fact upon which the applicant is relying in order to support its claim for a vested right, and the specific vested right that the applicant desires. The applicant shall also enclose with the letter, and all copies of the letter, all evidence and proof which it is relying upon to support its claim for vested rights.

D) The Town Attorney shall review the letter and the evidence and proof submitted. The Town Attorney shall be entitled to request all additional information that he/she believes is helpful to him/her and/or Staff in making the vested right determination. Such additional information requested can include, but is not limited to, the following: questions to the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, documents from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, Affidavits from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant, taking sworn statements from the applicant and officers, directors, shareholders, employees, agents, and experts of the applicant and in meeting with the applicant or officers, directors, shareholders, employees, agents or experts of the applicant. In making the vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the Town Attorney may be considered negatively toward the applicant's request for a vested rights determination or in a supplemental vested rights determination.

E) The Town Attorney, once the information has been provided and once he/she is of the opinion that the vested rights determination can be given, shall provide a vested rights determination in writing. The applicant is limited to the information which has been provided. The applicant cannot provide new information without first requesting permission from the Town Attorney to do so.

F) The written vested rights determination or supplemental vested rights determination of the Town Attorney shall be either faxed or mailed certified mail to either the applicant, its attorney or its agent.

G) The vested rights determination or supplemental vested rights determination remains final and binding upon the applicant unless the applicant appeals the Town Attorney's determination within twenty days of the date of the Town Attorney's determination. In the event that the applicant fails to timely appeal the vested rights determination or, in the event of a supplemental vested rights determination fails to appeal the supplemental vested rights determination, of the Town Attorney, it is conclusively presumed that the Town Attorney's determination is final. In the event that the applicant desires to challenge the vested rights determination or supplemental vested rights determination of the Town Attorney, the applicant must deliver to the Town Administrator by 4:00 PM within twenty days of the date of the Town Attorney's determination a Notice of Appeal of the Town Attorney's determination (if the twentieth day is on a Saturday, Sunday or legal holiday in which the Town Administrator's office is closed, then the appeal may be timely delivered on the immediate next day that the Town Administrator's office is open). The Notice of Appeal shall be strictly limited to advising of the desire to appeal and the relief that the applicant is requesting. No further statements or argument are permitted in the Notice of Appeal.

H) The Town Administrator shall place this appeal on the agenda of a Town Council meeting on such date that the Town Administrator considers appropriate.

I) The Town Council shall consider the appeal at the Town Council meeting when the appeal is on the agenda, but the Town Council is permitted to table the appeal to such time as the Town Council considers appropriate. The Town Council is also empowered to request that the Town Attorney obtain additional information from the applicant and officers, directors, shareholders, employees, agents and experts of the applicant. The Town Council is also entitled, should it so chose, to obtain input from the public concerning the vested rights determination. The applicant is not entitled to speak during the appeal unless the Town Council permits the public to speak or unless the Town Council permits the applicant to speak. In the event that the Town Council requests or solicits additional information, the matter shall be sent back to the Town Attorney for a supplemental vested rights determination in light of the additional information requested or given. When that supplemental vested rights determination is provided by the Town Attorney, he/she shall provide notice as described in subsection (F), and that supplemental vested rights determination shall be described as indicated in subsection (G), and in the event of an appeal of that supplemental vested rights determination it shall be placed on the agenda as described in subsection (H), and shall be treated by the Town Council as described in subsection (I)

I) When the Town Council makes its determination on the appeal, the appeal shall be based on the information in the record, which information is the information provided by the applicant, the information provided by Staff, the information provided from all other sources which are in the record, and information provided by the Town Attorney. In making the vested rights determination or supplemental vested rights determination, the applicant or the applicant's officers, directors, shareholders, employees, agents and experts failure to provide what is requested from the Town Attorney or the Town Council may be considered negatively toward the applicant in its request for a determination. The

determination of the Town Council in the appeal is final.

K) The applicant has not exhausted its administrative remedies until such time as it has complied with this procedure.

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 or 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. For any pending vested rights determination in which the Town Attorney's Office has not given a final opinion, this procedure shall also be applicable.

PASSED ON FIRST READING THIS 20th DAY OF November, 2001.

PASSED ON SECOND READING THIS 4th DAY OF December, 2001.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 4th DAY OF December, 2001.

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