

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director /
(954) 797-1101

PREPARED BY: Carlo F. Galluccio III, Planning Aide

SUBJECT: ZB (TXT) 11-1-07 / Temporary Use Permit Procedure

AFFECTED DISTRICT: All Districts

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 6, TEMPORARY USE PERMIT PROCEDURE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: Currently, all temporary use items require approval by Town Council after release by the Town of Davie Development Review Committee (DRC). At least 4 weeks is needed prior to the event in order to obtain Town Council approval. The required timing has resulted in many events running into constraints and either canceling events, changing dates, or even having the event occur without the approval of Town Council.

Staff has reviewed the various events required to obtain Council approval and is proposing to simplify the Temporary Use process for those uses that have little or no impact on surrounding and nearby properties. The following three (3) types of temporary uses are proposed for an alternative approval process:

- **SEASONAL SALES**

Season sale events that have been approved by Town Council for two consecutive years maybe approved by the Town Administrator, or his designee, after comment and conditions by DRC. The approval shall be forwarded to Town Council allowing any Councilmember to call the item up for a formal Town Council review.

- **ONE DAY EVENTS**

One day special events shall be reviewed by the DRC and approved by the Town Administrator or his designee.

- **CONSTRUCTION TRAILERS**

Temporary uses in connection with development projects such as construction trailers will be approved through the Site Plan approval process.

The proposed change to the land development code is intended to expedite the review process and provide enhanced customer service.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

Mr. Pignato made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – absent; Mr. Busey – absent; Mr. Pignato – yes; Ms. Turin – yes. **(Motion carried 3-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds this ordinance complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 6, TEMPORARY USE PERMIT PROCEDURE PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on December 12, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes.

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

Division 6. Temporary Use Permit Procedure of the Land Development Code of the Town of Davie, Florida. (the "Town"), is hereby amended to read as follows:

Sec. 12-316. Purpose.

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, this division shall govern temporary uses.

(Ord. No. 2000-34, § 1, 10-18-00)

Sec. 12-317. Permitted temporary uses in connection with development projects.

A developer may request a temporary use permit in any zoning district for necessary promotional or storage activities at the development site which occur during construction of the project and which terminate upon completion of the development project. The following activities in connection with such a development project require a temporary use permit, if these uses were reviewed during the Site Plan process, a temporary use permit will not be required with the advice and consent of Town Council.

- (1) Offices for sale of real estate or for persons engaged in the development.
- (2) Construction materials storage and processing.
- (3) Equipment storage.
- (4) Model homes or sample apartments.
- (5) Activities of religious, institutional, or governmental entity under construction, reconstruction, renovation or enlargement.

(Ord. No. 2000-34, § 1, 10-18-00)

Sec. 12-318. Other temporary uses requiring a permit.

Certain other temporary uses shall require permits as follows:

- (1) Commercial carnivals, fairs, promotional activities, and similar events.
- (2) Special events run by nonprofit or charitable organizations.
- (3) Christmas tree sales lots where such lots are operated by charitable organizations, or in commercially zoned lots for non-charitable organizations.
- (4) Other uses of a similar and temporary nature where the period of use will not extend beyond sixty (60) days during any calendar year.

(Ord. No. 2000-34, § 1, 10-18-00)

Sec. 12-319. Procedures in securing temporary use permit.

(A) Temporary use permit applications for uses described in sections 12-317 and 12-318 above shall be submitted to the development services department. The development services director may grant a temporary use permit subject to suitable conditions, safe guards, and stipulations set forth by the Planning and Zoning Divisions staff recommendation and/or upon the advice and consent of town council.

- (1) Prior to granting a temporary use permit the development services director shall ensure that:
 - (a) Any nuisance or hazardous feature involved is suitably separated from adjacent uses:
 - (b) Excessive vehicular traffic will not be generated on minor residential streets; and
 - (c) A vehicular parking problem will not be created.

(B) Any event listed under 12-318 that has been approved by Town Council for two consecutive years shall be approved by the Town Administrator, or his designee, after review by the Development Review Committee with any conditions included in the approval. Any such approval shall be forwarded to Town Council allowing any Town Council member to call the item up for a formal Town Council approval.

(1) Any temporary use held as a one day special event shall be reviewed by the Development Review Committee and approved by the Town Administrator or his designee.

(C) Any temporary use authorized by town council shall be approved and accepted as to all terms and conditions by the applicant in writing within ten (10) days of the date such temporary use is authorized. The applicant shall file such authorization with the development services department.

(Ord. No. 2000-34, § 1, 10-18-00)

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 _____, 2008

PASSED ON SECOND READING THIS _____ DAY OF _____, 2008

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MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008