

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
**SUBJECT:** Discussion item for potential Council action

**TITLE OF AGENDA ITEM:** Policy Consideration for Certain Lot-Specific Residential Plats

**REPORT IN BRIEF:** Staff has recently been faced with two (2) situations involving properties that are requesting site plan approval for plans that precisely mirror lot-specific plats the Town approved more than 6 years ago, but which do not conform to some of today's Code requirements due to changes in the Code.

Specifically, these plats delineated lots, and dedicated easements for utilities, ingress/egress and landscape buffers. The landscape easements shown on the plats were in compliance with the landscaping code in effect at the time of platting, which code allowed mandatory streetside landscaping buffers to be included in, and counted towards, lot area. Additionally, there was no minimum buffer width, per se, as buffers were determined by "opacity standards." In 1996, the Town amended the Code to eliminate opacity standards, as they were difficult and cumbersome to administer, and to require that mandatory landscape buffers *not* be included within any residential home lot. The intent of this provision was to establish landscape buffers as an amenity common to the overall development, to be owned and maintained by the overall development, and to prevent fencing of, and inconsistent maintenance and neglect of, such buffers by individual property owners. The effect of these Code changes on the properties in question. was to render the majority of home lots substandard as to minimum lot area under today's Code.

Staff conducted further research and determined there are a total of eight (8) properties with lot-specific plats approved subsequent to 1990 which have not been built-out, and that are affected by the 1996 Code change such that certain lots would not satisfy minimum requirements if today's Code provisions were to be applied. Some have active site plans and building permits; most have neither. A list of these plats is attached. In the case of five (5) of the eight (8) properties, two (2) or fewer lots would be affected by the Code change.

Dealing with this issue on an individual basis will require multiple requests for vested rights determinations or variances. Staff believes this may not be necessary, as the circumstances of each affected property are similar enough that this issue can be resolved with one action by Council. Staff further believes this issue can be considered to fall within the realm of appropriate Council policymaking. Therefore, staff is bringing this issue to the Council for discussion and possible disposition as it relates to the referenced plat approvals granted in between 1990 and 1996, which have been impacted by the aforementioned landscape code provisions.

**PREVIOUS ACTIONS:** none

**CONCURRENCES:** none

**FISCAL IMPACT:** none

**RECOMMENDATION(S):** To set policy as to whether properties meeting the criteria described above can be developed as shown on their plats, or must develop in full compliance with today's land development regulations, subject to individual variance or vested rights determination requests.

**Attachment(s):** List of affected plats

**Attachment to be provided under separate cover.**