

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954)
797-1101

PREPARED BY: Tatiana Escobar, Staff Intern

SUBJECT: ZB (TXT) 5-1-07/ Setbacks and Boardwalks along Davie Road.

AFFECTED DISTRICT: District 1 and 2

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, SPECIAL PLANNING AREAS AND DISTRICTS, ARTICLE XIII, WESTERN THEME DISTRICT, DIVISION 1, SETBACK, USES AND HEIGHTS IN COMMERCIAL ZONES, SECTION 388, TO ALLOW TOWN COUNCIL TO WAIVE THE PROVISION OF THE FRONT SETBACK AND THE COVERED BOARDWALK ALONG THE FRONTAGE OF A STRUCTURE ALONG THE MAJOR STREET SIDE EXTENDING FROM THE FRONT BUILDING WALL TO THE PROPERTY LINE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The purpose of this ordinance is to permit Town Council to have the authority to waive the setbacks of buildings and boardwalks along Davie Road within the Western Theme District. The Town through newer form based codes, such as the Griffin Corridor, finds that it is desirable for the architectural plans of the buildings to allow some flexibility to encourage better design. It is more desirable to have some change in the building façade rather than to have one large monolithic structure along the road. These areas could be used for amenities such as outdoor seating or landscaping. Attached is a letter from Victor Dover of Dover, Kohl & Partners, urban design consultant for the CRA, which supports the position that a well designed urban building is better due to changes in setbacks.

PREVIOUS ACTIONS: N/A

CONCURRENCES: The Davie Community Redevelopment Agency unanimously approved a motion in favor of the amendment to Section 12-388 at their meeting of May 22, 2007.

On the June 13, 2007 LPA meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. (**Motion carried 3-1. Mr. Pignato was absent**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends approval of this ordinance

Attachment(s): Ordinance, Letter from Victor Dover in support of the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, SPECIAL PLANNING AREAS AND DISTRICTS, ARTICLE XIII, WESTERN THEME DISTRICT, DIVISION 1, SETBACK, USES AND HEIGHTS IN COMMERCIAL ZONES, SECTION 388, TO ALLOW TOWN COUNCIL TO WAIVE THE PROVISION OF THE FRONT SETBACK AND THE COVERED BOARDWALK ALONG THE FRONTAGE OF A STRUCTURE ALONG THE MAJOR STREET SIDE EXTENDING FROM THE FRONT BUILDING WALL TO THE PROPERTY LINE; 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 amend the Land Development Code

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on June 13, 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.

SECTION 1. Article XIII, Special Planning Areas and Districts, of the Land Development Code of the Town of Davie, Florida, (the "Town"), That Section 12-388 (A), is hereby amended to read as follows:

(A) Setbacks are hereby established for the Western Theme District:

(1) Front setback: Ten (10) feet. In order to provide a linear uniformity of buildings in this district, the required building walls for the ground floor of buildings shall be built to ten (10) feet from the front property line. This required setback can be waived with the permission of Town Council in the interest of adding variety to the setback to provide greater interest to the building façade and to provide amenities such as outdoor seating. Upon an intersection with two or more streets, the front shall be determined by the side of the building facing the street with the higher number of lanes of traffic. Upper floors may be built with a front setback

standard of zero (0) feet, however, upper floors may not exceed beyond a maximum distance of ten (10) feet from the ground floor building wall.

SECTION 2. Article XIII, Special Planning Areas and Districts, of the Land Development Code of the Town of Davie, Florida, (the “Town), That Section 12-388 (C), is hereby amended to read as follows:

(C) Any commercial business, office or mixed use building constructed in the Western Theme District located within ten (10) feet of the front property line shall have a covered boardwalk at least the length of the frontage of the structure along the major street side extending from the front building wall to the property line. Buildings with greater setback distances are required to also provide a covered boardwalk with a minimum width of six (6) feet on the front of the building. Corner parcels are encouraged to also provide a covered boardwalk with a minimum width of six (6) feet on the side of the building. This requirement can be waived with the permission of Town Council in the interest of adding variety to the setback to provide greater interest to the building facade and provide amenities such as outdoor seating. All new buildings that are located at the Davie Road intersections with Orange Drive and Griffin Road shall have a ten foot wide covered boardwalk on all of the street sides of the properties unless the setbacks are waived by Town Council.

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 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 _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER
ATTEST;

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.