

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) 5-2-07 / Qualified applicants for proposal of text code amendments

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, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Staff is proposing the current text code amendment to the Land Development Code to specify the Town Council, the Community Redevelopment Agency, or the Town Administrator and his/her designee as the qualified applicants for rezoning applications for proposed changes to the Land Development Code.

Currently the Land Development Code does not specify who can submit an application for a change in the text of the Code. Even though these applications follow the rules and regulations specified for the rezoning process, the applicants allowed for rezoning applications are more parcel specific. Therefore, staff considers necessary to clarify and limit who could trigger a text code amendment.

Staff has researched other municipalities and has found that several other municipalities have similar requirements.

PREVIOUS ACTIONS:

CONCURRENCES: On the June 13, 2007 LPA meeting Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table to June 27, 2007; (**Motion carried 4-0, Pignato was absent**)

On the June 27, 2007 LPA meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table to July 11, 2007. In a voice vote, all voted in favor. (**Motion Carried 5-0**)

On the July 11, 2007 LPA meeting, a motion was made to table this item to the August 8, 2007 meeting.

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends approval of this ordinance.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; 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 specify who can file a rezoning application for proposed changes to the Land Development Code; and

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. That Section 12-306 of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

Sec. 12-306. Processing.

(B) *Applicants:* Qualified applicants shall be limited to the following:

(1) For rezoning, special permits and variances: the owner or agent of the owner having unified control or a recognizable interest in the property.

(2) For vacation or abandonment of rights-of-way: the owner or agent of the owner of the property adjacent to the right-of-way.

(3) The Davie Planning and Zoning Board, or town council or its designee for rezonings and vacations only.

(4) The Town Council, Community Redevelopment Agency, or Town Administrator and his/her designee for rezoning applications for proposed changes to the Land Development Code.

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 ____ DAY OF _____, 2007

PASSED ON SECOND READING THIS ____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

MEMORANDUM

PZ 7-9-07

TO: Mayor and Town Councilmembers

THRU: Gary Shimun, Town Administrator
Mark A. Kutney, AICP, Development Services Director
Marcie Nolan, Acting Planning and Zoning Manager

FROM: Tatiana Escobar, Staff Intern

DATE: July 16, 2007

RE: ZB(TXT) 5-2-07 / Qualified applicants for proposal of text code amendments.

REQUEST:

Staff is requesting that the above referenced item, currently scheduled for the July 26, 2007 Town Council meeting, be tabled to the September 5, 2007 meeting. This item was advertised, as required by the State Statutes. This request is a result of the Local Planning Agency's motion to table this item to the August 8, 2007 Local Planning Agency meeting.

CONCURRENCES: On the June 13, 2007 LPA meeting Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table to June 27, 2007; (**Motion carried 4-0, Pignato was absent**)

On the June 27, 2007 LPA meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table to July 11, 2007. In a voice vote, all voted in favor. (**Motion Carried 5-0**)

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