



Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM: An Ordinance of the Town of Davie, Florida Amending the Code of Ordinances of the Town of Davie, Section 12-32 entitled, "Table of Permitted Uses, Subsection (A) "Residential Districts," and (B) "Commercial, Office and Business Districts," to provide for Bed and Breakfast Accommodations as a permitted, conditional or prohibited use; amending Section 12-34 entitled, "Detailed Use Regulations" by creating new subsection (EE) entitled, "Bed and Breakfast Accommodations," establishing regulations governing the approval, location, size, operation, on-site facilities, appearance, and other characteristics of Bed and Breakfast Accommodations; amending Section 503 entitled, "Definitions" providing a definition of " Bed and Breakfast Accommodation"; providing for severability; and providing for an effective date.

REPORT IN BRIEF: This Ordinance amends Chapter 12 (Land Development Code) of the Code of the Town of Davie by revising Section 12-32 (Table of Permitted Uses), Section 12-34 (Detailed Use Regulations) and Section 12-503 (Definitions) to add Bed and Breakfast Accommodations within the RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5, RM-5, SC, B-1, WT, B-2, UC and B-3 districts. The ordinance also provides locational and operating criteria, processing standards and other special related provisions concerning the regulation of this use.

PREVIOUS ACTIONS: On July 21, 1999 Town Council authorized staff to proceed with a Land Development Code amendment to incorporate Bed and Breakfast Accommodations as a land use in the Land Development Code.

CONCURRENCES: Staff recommends approval of this Ordinance

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S): Motion to approve this Ordinance

Attachment(s): Memo to Town Administrator and Ordinance

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM **PZ 10-10-99**

TO: Robert Middaugh, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director

DATE: October 7, 1999

RE: Ordinance Providing for Bed and Breakfast Accommodations

On July 21, 1999 Town Council authorized staff to proceed with a Land Development Code Amendment to incorporate Bed and Breakfast Land Use into the Town of Davie Code of Ordinances. Staff has developed a set of regulations containing a definition, density treatment, location criteria, operational criteria, processing standards and other related special requirements.

More specifically, the amendment accomplishes the following:

1. Permits Bed and Breakfast Accommodations to locate in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5, RM-5, SC, B-1, B-2, WT, UC and B-3 Districts.
2. Provides for the use of flexibility provisions pursuant to Broward County for RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts, to avoid Town Land Use Plan Amendments.
3. Adds a locational separation requirement for Bed and Breakfast Accommodations in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts of one quarter mile.
4. Limits a Bed and Breakfast Accommodation to five (5) guest rooms with an option to petition Town Council for an additional allocation of up to five (5) rooms by special permit.
5. Provides operation and regulatory criteria for Bed and Breakfast Accommodations including the size of guest rooms; mandatory private bathroom facilities per room; prohibition of special events like parties, meetings, etc. that are not part of the lodging package. Limits the operation of Bed and Breakfast Accommodations to the principal structure; requires the owner/operator to maintain a current guest register; and mandates that a Bed and Breakfast Accommodation obtain all required licenses and permits.
6. Provides parking requirements for a Bed and Breakfast Accommodation at a rate of two (2) parking spaces per operator's dwelling unit plus one (1) parking space per guest room.
7. Permits limited signage for a Bed and Breakfast Accommodation. Included within the proposed regulations are provisions for one (1) identification sign and one (1) wall

mounted sign for the purpose of Bed and Breakfast Accommodation identification.

8. Language in the amendment is added to address and ensure that a Bed and Breakfast Accommodation exhibits an exterior appearance that is typical of a single family dwelling and is harmonious with the character and appearance in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts.
9. Adds a definition in Section 12-503 that defines what a Bed and Breakfast Accommodation is making clear that such use is considered commercial lodging.

Staff would advise that we have examined a number of codes in Florida and across the country regulating Bed and Breakfast Accommodations as well as information provided by the Industry and other recognized planning sources. Staff believes that the regulations drafted in the proposed ordinance accommodate this land use and protect the Public interests of the Town. Therefore staff recommends approval of the ordinance.

Staff is bringing the ordinance back to Town Council for first reading. Please be advised that since this ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category, two advertised Public Hearings are required. I am recommending that the required Public Hearings be held concurrently with first and second readings.

Should you have any questions, please advise.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE , SECTION 12-32 ENTITLED “TABLE OF PERMITTED USES, SUBSECTION (A) “RESIDENTIAL DISTRICTS,” AND (B) “COMMERCIAL OFFICE AND BUSINESS DISTRICTS,” TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A PERMITTED, CONDITIONAL OR PROHIBITED USE; AMENDING SECTION 12-34 ENTITLED, “DETAILED USE REGULATIONS” BY CREATING NEW SUBSECTION (EE) ENTITLED, “BED AND BREAKFAST ACCOMMODATIONS,” ESTABLISHING REGULATIONS COVERING THE APPROVAL, LOCATION, SIZE, OPERATION, ON-SITE FACILITIES, APPEARANCE, AND OTHER CHARACTERISTICS OF BED AND BREAKFAST ACCOMMODATIONS; AMENDING SECTION 503 ENTITLED, “DEFINITIONS” PROVIDING A DEFINITION OF “BED AND BREAKFAST ACCOMMODATION”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has been approached by several parties seeking to operate Bed and Breakfast Facilities within the Town; and

WHEREAS, Town staff has conducted research on the nature and operations of Bed and Breakfast Facilities and recommended to the Town Council of the Town of Davie that such facilities be provided for within the Land Development Code; and

WHEREAS, the Town Council of the Town of Davie directed Town staff to amend the Land Development Code and incorporate Bed and Breakfast Accommodations; and

WHEREAS, the Town Council after due consideration of all matters, hereby finds that the amendment is in conformance with the Town of Davie Comprehensive Plan and is in the best interest of the health, safety and welfare of residents of the Town of Davie.

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

SECTION 1. That Section 12-32 of the Town Code is amended to read as follows:

Sec. 12-32. Table of permitted uses.

**(A) RESIDENTIAL DISTRICTS
GENERAL USE**

	<u>DISTRICTS</u>									
						R	RM	RM	MH	
	RR	AG	S	A-1	R-1	2-5	-5	8-16	1-10	
Agriculture	*	*	N	*	N	N	N	N	N	
Agriculture, Residential	*	*	N	*	*	N	N	N	N	
<u>Bed and Breakfast Accommodations</u>	*	*	<u>N</u>	*	*	*	*	<u>N</u>	<u>N</u>	
Dude Ranch	*	*	N	*	N	N	N	N	N	

Bowling, Skating	N	P	P	N	N	N	P	N	
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N	
Car Wash	N	P	P	N	N	N	P	N	
Catering (Food)	N	P	P	N	N	P	P	N	
Communication Apparatus	*	*	*	*	*	*	*	*	
Contractor, office only	P	P	P	P	N	P	P	P	
Convenience Stores		P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N	
Distribution Facilities	N	N	N	N	N	N	P	N	
Dry Cleaning	*	*	*	N	N	*	P	N	
Florist, Plant Shop	P	P	P	N	P	*	P	N	
Game Room, Arcade	N	P	P	N	N	N	P	N	
Gardeners, Landscape Contractors	N	N	N	N	N	N	P	N	
Gift Shops	P	P	P	N	N	*	P	N	
Golf Courses	N	P	P	N	P	N	N	N	
Home Occupation	N	N	N	N	N	N	N	P	
Hotels, Motels	N	N	*	N	P	*	N	N	
Laboratories	N	N	N	P	P	P	P	N	
Light Fabrication	N	N	N	P	N	P	P	N	
Machine Shop	N	N	N	N	N	N	P	N	
Medical clinic, Doctor's Office,	N	P	P	N	N	P	N	N	

Sec. 12-32. Table of permitted uses.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

GENERAL USE

DISTRICTS

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	
Mini Warehouse/Self Storage	N	N	*	N	*	*	*	N	
Mobile Home Sales		N	*	*	N	N	N	P	N
Mortuary	N	P	P	N	N	N	P	N	
Motion Picture Studio	N	N	N	N	N	P	P	N	
Motor Fuel Pumps	N	*	*	N	*	N	*	N	
Movie Theater, Performing Arts		N	P	P	N	P	N	N	N
Night Clubs	N	*	*	N	*	**	*	N	
Nursery, Child Care Facility	*	*	*	N	*	*	N	N	
Office	P	P	P	P	P	P	P	P	
Office Equipment Sales	N	P	P	N	P	*	P	N	
Parking Lot, Rental	N	P	P	N	*	N	N	N	
Pawnshop	N	P	P	N	N	N	P	N	
Personal Services	P	P	P	N	P	**	P	N	
Pharmacy	N	P	P	N	P	*	P	N	
Photographic Studio	P	P	P	N	P	P	P	N	
Plant Nursery	P	P	P	P	P	N	P	P	
Pool Rooms	N	P	P	N	N	N	P	N	
Printer	N	P	P	N	P	P	P	N	

Radio or TV Station		N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P	
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N	
Research Facilities	N	N	N	P	P	P	P	N	
Residential Uses		*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	P	N	P	N	
Restaurants, Other	*	P	P	N	P	*	*	N	
Retail Sales, Other	P	P	P	N	P	**	P	N	
Sales Office	P	P	P	P	P	P	P	P	
Schools-Special, Private		N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N	
Service Stations	N	N	*	N	N	N	*	N	
Sheet Metal Shop	N	N	N	N	N	N	*	N	
Special Residential Facilities	*	*	*	N	N	N	N	N	
Sports Arena		N	N	N	N	N	N	N	N
Studios (Art, Music)		P	P	P	N	N	P	P	P
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	P	P	N	
Vehicle Customizing	N	N	N	N	N	N	P	N	
Vehicle, Boat, Truck Repair, Major	N	N	N	N	N	N	*	N	
Vehicle Repair, Minor	N	*	*	N	N	N	P	N	
Vehicle Towing	N	N	N	N	N	N	*	N	
Vehicle Boat, Truck Sales	N	N	*	N	N	*	P	N	
Warehouse, Storage	N	N	*	N	*	*	*	N	
Watchman's Apartment	*	N	*	N	N	*	*	N	
Wholesale	N	P	P	N	N	P	P	N	

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

** = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

SECTION 2. That Section 12-34 of the Town Code is amended to read as follows:

(EE) Bed and Breakfast Accommodations

(1) Bed and Breakfast Accommodations permitted in all Districts shall be subject to site plan review in accordance with Article XII of these regulations.

(2) Bed and Breakfast Accommodations in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 districts may be permitted pursuant to a special permit issued in accordance with Article X and subject to other limitations contained in this subsection. Bed and Breakfast Accommodations in SC, B-1, B-2, WT, UC and B-3 are permitted subject to applicable limitations contained in this subsection.

- (3) In RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts, Bed and Breakfast Accommodations are permitted without the need to amend the Town Land Use Plan Map provided that flexibility provisions are applied to the parcel consistent with the provisions of the adopted Town of Davie Comprehensive Plan and Broward County Land Use Plan.
- (4) In RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts, no Bed and Breakfast Accommodation shall be located closer than thirteen hundred twenty (1320) feet from any other Bed and Breakfast Accommodation measured from the nearest point of the nearest property line of one establishment to the nearest point of the nearest property line of another establishment in a straight line.
- (5) A Bed and Breakfast Accommodation shall provide a maximum of five (5) rooms for the purpose of providing lodging to the traveling public in addition to those bedrooms allocated to the Operator and family if applicable. A Bed and Breakfast Accommodation may request up to an additional five (5) rooms pursuant to a special permit issued in accordance with Article X and subject to other limitations contained in this subsection.
- (6) A Bed and Breakfast Accommodation shall be developed in accordance with the standards contained in the applicable zoning district. The following additional standards shall apply:
- (a) Each guest room shall have a minimum floor area of one hundred twenty (120) square feet.
 - (b) Each guest room in a Bed and Breakfast Accommodation shall have its own private bathroom.
 - (c) No cooking facilities shall be permitted in guest rooms within a Bed and Breakfast Accommodation. Food Service prepared for registered guests shall be provided in a common dining area.
 - (d) Meetings, Receptions, Parties and other Social Events shall not be held on the premises or within the common dining area of the Bed and Breakfast accommodation.
 - (e) A Bed and Breakfast Accommodation shall be operated and conducted in the principal structure. Accessory buildings shall not be converted to living units,

kitchens or common dining areas.

- (f) The Owner/Operator of a Bed and Breakfast Accommodation shall maintain a current guest register which shall be available to Town inspection if warranted.
- (g) A Bed and Breakfast Accommodation shall obtain all required business licenses and health permits and shall otherwise comply with all other applicable building, fire and sanitary codes, including the Florida Department of Business and Professional Regulations.
- (7) A Bed and Breakfast Accommodation shall provide off street parking at a rate of two (2) parking spaces for the Owner/Operator plus one (1) space for each guest room.
 - (a) No off street parking shall be located in any front yard or in any required minimum side yard and must be adequately screened from adjacent property and public right-of-way in RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts.
- (8) A Bed and Breakfast Accommodation may erect one free standing ground sign not to exceed four (4) square feet in area and six (6) feet in height.
 - (a) A Bed and Breakfast Accommodation may also be permitted one (1) wall mounted sign identifying the property and shall not exceed one (1) square foot in area.
- (9) The exterior appearance of a Bed and Breakfast Accommodation should be typical and harmonious with the character and appearance of neighboring residential dwellings in the RR, AG, A-1, R-0, R-1, R-2, R-3, R-4, R-5 and RM-5 Districts and shall appear outwardly to be a single family dwelling that gives no appearance of business use other than permitted signage and off-street parking.

SECTION 3. That a definition for Bed and Breakfast Accommodations be placed in Section 12-503, entitled "Definitions" and placed between definitions for Base Site area and Bedroom read as follows: Bed and Breakfast Accommodation. A dwelling occupied by an owner which provides sleeping accommodations and meals to transient travelers for periods not to exceed fourteen days within any 60 day period. This definition does not include a boarding house, rooming house, group home, hotel or motel. A Bed and Breakfast Accommodation is considered a commercial lodging use.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to be the extent of such conflict hereby repealed. This ordinance shall take effect immediately upon its

passage and adoption.

SECTION 5. 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 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

