



Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM: An Ordinance of the Town of Davie, Florida, Amending the code of the Town of Davie, Article III by adding Section 12-32.200 entitled, "Planned Truck Stop (TS) District", Section 12-32.200 through 12-32.208 which provide for district intent, permitted, restricted, prohibited and accessory uses and development standards; amending Section 12-503 to provide a definition of "Truck Stop"; Providing for severability; and providing 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 (Permitted Uses) and Section 12-503 (Definitions) to add a Planned Truck Stop (TS) District. The Ordinance also includes an intent purpose section, permitted uses, restricted uses, accessory and prohibited uses and development standards.

PREVIOUS ACTIONS: N/A

CONCURRENCES: Staff recommends approval of this Ordinance

FISCAL IMPACT: N/A

RECOMMENDATION(S): Motion to approve this Ordinance

Attachment(s): Pink Sheet, Memo to Town Administrator and Ordinance

Item No.

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM PZ 10-24-99

TO: Robert Middaugh, Town Administrator

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

DATE: October 26, 1999

RE: Ordinance provided for a Proposed Planned Truck District

The attached Ordinance is placed on the November 3, 1999 Town Council Agenda for the first reading. As with the Bed and Breakfast Ordinance, since this ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category, two additional Public Hearings are required. I am recommending that the required Public Hearing be held concurrently with the first and second readings.

In the case of this particular ordinance, time is of the essence. Currently, the Town has no zoning district or provisions for regulation of Truck Stops and associated uses. In an Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc. executed on June 19, 1996, paragraph three of said agreement states:

3. **Zoning and Permitted Uses.** Within thirty (30) days of the effective date of an ordinance passed to effectuate the annexation pursuant to this Annexation Agreement, Jolmy shall file the necessary application(s) to zone the Property to a M-3 and/or B-3 district as described in the Town of Davie Code of Ordinances. In the event that the existing zoning designations in the Town of Davie Code of Ordinances do not permit all of Jolmy's desired uses on the Property, the Town Council agrees to consider developing and adopting a new zoning designation to permit all such uses on the Property, which uses shall include a truck stop, gas station, convenience store, fast food restaurant, retail, truck service (major repair), warehouse (storage), office and hotel.

As indicated, timing of this Ordinance is critical as Jolmy needs to have vertical construction underway by February 2000 or grant funds associated and payable to the Town with the project could be jeopardized. Further, in addition to the text amendment being adopted, Jolmy must secure a rezoning of the property and obtain site plan approval as well as complete the aforementioned building condition requirement above.

In terms of the Planned Truck Stop Ordinance, this amendment accomplishes the following:

1. Provides an intent/purpose section that spells out the reason for promulgating the District.

2. Outlines a list of permitted uses as required pursuant to the Annexation Agreement; all uses permitted are associated with Planned Truck Centers or Commercial Highway Interchanges.
3. Depicts restricted accessory and prohibited uses.
4. Provides for Planned Truck Stop District to be developed under unified control and with an officially approved Conceptual Master Plan for the Development.
5. Incorporates a host of development standards dealing with Minimum Parcel Dimensions, Minimum Required Yards, Maximum Building Height, Maximum Building Coverage, Minimum Open Space, Maximum Impervious Area and Minimum Building Separation.
6. Offers alternate measures by a petitioner to meet off street parking and loading, site landscaping and Signage and lighting requirements if provisions in the Land Development Code are not practical. The alternate methods are offered in consideration of the unique nature and design of truck stop facilities and operations.
7. Provides for other special development provisions associated with truck stop developments.
8. Adds a definition in Section 12-503 that defines a truck stop.

It is expected that this ordinance will be hand delivered to the Planning and Zoning Board at their October 27, 1999 meeting and communicated to the Town Council at the 2nd Public Hearing tentatively scheduled for November 17, 1999.

Should you have any questions, please advise.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE, ARTICLE III BY ADDING SECTION 12-32.200 ENTITLED, "PLANNED TRUCK STOP (TS) DISTRICT", SECTIONS 12-32.200 THROUGH 12-32.208 WHICH PROVIDE FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE A DEFINITION OF "TRUCK STOP"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Comprehensive Plan provides for an Industrial future land use plan designation; and

WHEREAS, the Town of Davie Code of Ordinances does not provide zoning regulations to implement the regulation of truck stops; and

WHEREAS, by virtue of an Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc. it is incumbent upon the Town to develop a new zoning designation to permit a truck stop and other defined associated uses; and

WHEREAS, the Town has committed to pay up to one hundred fifty thousand dollars (\$150,000.) toward right-of-way acquisition to facilitate the completion of road improvements; and

WHEREAS, the Town Council after due consideration of all matters, hereby finds that the amendment is in the best interest of the health, safety and welfare of the 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 12-32.200 of the Town Code is amended to read as follows:

Sec. 12-32.200 Intent/Purpose

The Planned Truck Stop (TS) District is intended to govern the location, intensity and method of development related to property proposed for use as a Truck Stop and other associated commercial vehicles and automotive services for the traveling public. This district is intended to be located along Interstate Roadways or the Florida Turnpike System. The establishment of these districts is necessary and in the public interest to promote and aid the travel, transport and tourist industries; to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic through the Town; and to assure adequate space for parking, loading, overnight storage and service of commercial vehicles. The TS District is consistent with areas designated as industrial on the Town of Davie Future Land Use Plan Map.

Sec. 12-32.201 Permitted Uses

- (1) Convenience Stores
- (2) Fast Food Restaurant
- (3) Office, Professional
- (4) Restaurant, Standard
- (5) Service Stations
- (6) Truck Service (Master Repair)
- (7) Truck Stop
- (8) Warehouse (Storage)

Sec. 12-32.202 Restricted Uses

The following uses are permitted subject to the provisions indicated below:

- (1) Hotel, Motel and similar lodging
- (2) Commercial and retail business uses
The uses indicated above may be permitted with the assignment of “Commercial Flexibility” subject to the requirement for a Broward County Compatibility determination pursuant to the adopted Town of Davie Comprehensive Plan and Broward County Land Use Plan.

Sec. 12-32.203 Accessory Uses

The permitted accessory uses and structures in the planned Truck Stop (TS) District are those uses and structures which are of a nature customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

Sec. 12-32.204 Prohibited Uses

The following are the prohibited uses and structures in the Planned Truck Stop (TS) District:

- (1) Any permitted use, accessory use, restricted use or structure not specifically or by reasonable implication permitted herein.

Sec. 12-32.205 Limitations of Use

- (1) All land included for the purpose of development in the Planning Truck Stop (TS) District shall be owned or under the control of the petitioner for such zoning designation. Whether that petitioner be an individual, partnership, corporation or a group of individuals, partnerships or corporations, the petitioner shall present firm evidence of unified control of the entire area within the proposed development and shall state agreement that, if the petitioner proceeds with the proposed development same will:
 - (a) Do so in accordance with the officially approved conceptual master plan of the Development and such other conditions or modifications as may be attached to the Development;
 - (b) Provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the Town Council for completion of the undertaking in accordance with the adopted conceptual master plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense;
 - (c) Bind Development successors in title to any commitments made under items (a) and (b) above.

- (2) Rezoning to the Planned Truck Stop (TS) District shall require a Conceptual Master Plan depicting generalized Building locations, access, internal roadway layout and on-site circulation system; the maximum square footage of Development ; perimeter landscaping and buffering and other unique design features pertinent to the site.

- (3) All activities within the TS District shall take place within completely enclosed structures except as indicated below:
 - (a) Recreation and Open space, including facilities appurtenant to Hotels, Motels and similar lodging.
 - (b) Designated seating areas when utilized as an accessory use to a restaurant, pursuant to an approved site plan.

Sec. 12-32.206 Development Standards - Yard and Bulk Requirements

(1) Minimum Parcel Dimensions

- (a) The minimum parcel size for consideration of rezoning to the TS District is thirty (30) acres.
- (b) The minimum lot frontage for a parcel zoned TS shall be four hundred (400) feet.

(2) Minimum Required Yards

- (a) The perimeter setback for all yards adjacent to major roadways - each adjacent structure shall be set back at least one hundred (100) feet from the respective property line.
- (b) Where a property line or lease line abuts another use including other parcels within a Planned Truck Stop, the minimum structure set back from such property line shall be as follows:
 - Front - 35 feet
 - Side - 50 feet
 - Rear - 50 feet
- (c) Transitional yard setback required where a property line or lease line abuts service stations, truck service (major repair) or warehouse (storage), every adjacent structure shall be set back one hundred (100) feet inclusive of the setbacks identified in Sec. 12-32.106(b) above. This requirement would not apply to structures containing convenience stores or other uses if part of the service station use.

(3) Maximum Building Height

- (a) For all permitted uses within a TS Development, thirty five (35) feet excepting hotels, motels and similar lodging which shall not exceed seven (7) floors or ninety (90) feet in height.

(4) Maximum Building Coverage

- (a) Forty (40%) percent of site area

(5) Minimum Open Space

- (b) Twenty (20%) percent of site area

(6) Maximum Impervious Area

- (a) The maximum impervious area of any lot or parcel of land within a TS District shall not exceed seventy (70) percent of the total parcel area.

(7) Minimum Building Separation

- (a) No two buildings on the same parcel within a TS District shall be located closer to one another than a distance equal to the height of the lower building.

(1) Off street Parking and Loading Requirements

- (a) Within the Planned TS District, off-street parking and loading shall be provided in accordance with the general provisions set forth in Article VII of the Town of Davie Land Development Code except that as part of the Planned Truck Stop Rezoning process, the petitioner may submit professional studies and information from recognized sources warranting justification of a different standard. Town Staff will review said materials and make a finding and recommendation to Town Council.

(2) Site Landscaping Requirements

- (a) A Petitioner for a Planned Truck Stop rezoning may opt to meet site Landscaping requirements utilizing one of two recognized methods:
- (1) By meeting the requirements of Article VI of the Town of Davie Land Development Code; or
 - (2) Recognizing the unique nature and design of Truck Stop Facilities, the petitioner may submit a Master Landscape Plan in conjunction with the Conceptual Master Plan for rezoning to the TS District. The Master Landscaping Plan submitted shall meet the purpose and intent of site landscaping pursuant to the Land Development Code and shall provide a workable plan that at a minimum meets or exceeds minimum landscaping and buffering requirements in an acceptable and alternative manner.

(3) Signage and Lighting Requirements

- (a) Within a Planned Truck Stop District, signage and lighting requirements shall be provided in accordance with the official provisions of Article VIII of the Town of Davie Land Development Code.
- (b) A Petitioner may elect to submit a alternative signage and lighting plan as part of the Conceptual Master Plan of the rezoning to the Planned TS District. Town Staff will review the proposed plan and offer a finding and recommendation to the Town Council of the alternate signage and lighting plan suitability and conformance to minimum requirements of Article VIII.

Sec. 12-32-208 Development Standards - Other Special Provisions

- (1) All activities within a Planned TS District shall be conducted within completely enclosed buildings unless otherwise excepted in this section.
- (2) Outdoor storage shall be prohibited in a Planned Truck Stop.
- (3) Any Planned Truck Stop District Development involving more than one (1) building or structure shall provide common access roads and pedestrian walkways.
- (4) A site plan submitted pursuant to Article XII of the Land Development Code shall be in substantial accordance with the officially approved Conceptual Master Plan of the Development as approved by Town Council.

SECTION 2. That a definition for Truck Stop be placed in Section 12-503, entitled "Definitions" and placed between definitions for Truck Berth and Upland read as follows:

Truck Stop. A Truck Stop is an establishment where the principal use is primarily the refueling and servicing of Trucks and other commercial vehicles. Such establishments may have restaurants, other retail and sleeping accommodations for the drivers of these over-the-road commercial vehicles and may provide facilities for the repair and maintenance of such equipment.

SECTION 3. 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 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 _____, 1999

PASSED ON SECOND READING THIS ____ DAY OF _____, 1999

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.