



Town Council Agenda Report

SUBJECT: Text Amendment (merits)

CONTACT PERSON/NUMBER

Name: Mark A. Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB(TXT) 06-01-00 Debbie Orshefsky, Greenberg Trauig, petitioner/GL Homes of Florida, owner

- Proposed Land Development Code amendment to create a new one-dwelling unit per acre, single-family zoning district, providing for flexible lot sizes and open space parcels.

REPORT IN BRIEF: The Town of Davie has received an application requesting an amendment to the Land Development Code to create a new zoning district which the applicant has designated the R-1E district.

This proposed zoning district would allow for flexible individual lot sizes within a master planned development with an overall density not to exceed one (1) dwelling unit per acre and a minimum lot size of 20,000 square feet. Flexible lot sizes would be permitted subject to providing open space parcels and increased landscape buffers in proportion to the reduction in lot sizes. The proposed code change would not provide for increased density over the existing one unit per acre land use, and does not constitute a rezoning. Should Council approve this application, staff will prepare an ordinance to amend the Code.

PREVIOUS ACTIONS: This item was deferred from the July 19, 2000 Town Council meeting to the August 2, 2000 Town Council meeting.

CONCURRENCES:

- The Planning and Zoning Board deferred this item from its July 12, 2000 meeting to its July 26, 2000 meeting.
- The Planning and Zoning Board recommended approval of ZB(TXT) 06-01-00, subject to the [staff report and] addendum as prepared by staff. In addition, subject to the Council considering the fact raising the minimum lot size from 20,000 square feet to a number that would be more acceptable to the Council and the public and subject to accessibility to the public of more than 25% of the public area. (motion carried 3-2, Mr. Greb and Ms. Moore dissenting, July 26, 2000)

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve, subject to the staff report.

Attachment(s): Staff Report and proposed zoning district regulations.

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division
Planning Report and Recommendation

MEMORANDUM
PZ 07-06-00

TO: Tom Willi, Interim Town Administrator

THRU: Mark Kutney, AICP, Development Services Director

THRU: Jeff Katims, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, AICP, Planner II

DATE: July 12, 2000

RE: ***Proposed Land Development Code Amendment ZB(TXT) 06-01-00***
Proposed Zoning District - R-1E

INTRODUCTION

The Town of Davie has received an application requesting an amendment to the Land Development Code to create a new zoning district. The zoning district, as proposed, is called the R-1E, Estate District. Although the Town usually initiates amendments to the Land Development Code, the applicant approached the Town Council with the proposal to amend the Land Development Code to provide regulations for a new zoning district.

This proposed zoning district would allow for flexible individual lot sizes within a master planned development with an overall density not to exceed one (1) dwelling unit per acre. Flexible lot sizes would be permitted subject to providing open space parcels and increased landscape buffers in proportion to the reduction in lot sizes. The proposed code change would not provide for increased density over the existing one unit per acre land use.

BACKGROUND

The applicant recently purchased over 450 acres of property with a land use plan classification allowing a maximum density of one (1) dwelling unit per acre. The applicant would like to develop the property as an open-space community with flexible lot sizes, which the code does not provide for.

In order to develop the parcels under the applicant's preferred alternative, the applicant has proposed a new zoning district, based upon the concept of the Estate district adopted in 1990 and repealed in 1996. Although the developer is clearly proposing the R-1E District for a specific tract of land, the district could be applied anywhere within the Town that meets the 100 acre minimum district size requirement and with a land use designation of one (1) dwelling unit per acre. Approval of the R-1E District would not entitle the applicant to utilize the district on its 450 acres, as it would have to file a separate rezoning and concurrent master plan application for the specific tracts of land.

The regulations, as proposed, are conceptual. Staff has reviewed the proposal and made some recommendations to the applicant as to content, some of which the applicant has incorporated into the proposal. Staff has not made any suggestions as to the form, as this request is not in codification format, and is being brought to Council for a vote on its merits. Any direction given to adopt such a zoning district would be incorporated into an ordinance and brought back to Council for a first reading. At that time, the regulations, as proposed, would be reworked into codification language acceptable to staff, consistent with the existing Land Development Code language and the direction from Council.

ANALYSIS

The Town of Davie, through ordinances and established policies, encourages a ‘rural lifestyle.’ Several physical factors assist in maintaining that ‘rural lifestyle.’ They are:

- Scenic corridors and vistas
- Parks and open space
- Recreational pathways
- Large-lot single family neighborhoods

Almost all of the large remaining vacant parcels of land in Davie with residential land use plan designations have an underlying land use classification of one (1) dwelling unit per acre. The existing A-1 and R-1 zoning districts implement the residential (1du/ac) plan designation and require a minimum lot size of 35,000 square feet with no open space requirements. The AG district requires 15% open space, however, this open space is typically 15% water area. The Town’s 35,000 square foot lots are known as ‘builder’s acres,’ and the remaining 8,560 square feet of the true acre (43,560 square feet) are typically used for road rights-of-way, drainage retention areas and other necessary infrastructure. Although all residential developments are required to either dedicate land to the Town for recreational facilities and parks or pay recreation impacts fees in lieu of dedicating the land, most developers pay the fee. Those that do dedicate land need only dedicate small parcels of open space to meet the code requirements.

The applicant’s concept of clustering lots sizes increases open space proportional to each incremental reduction of lot size below 35,000 square feet. As an example, if the average size of all lots within the development is 30,000 square feet, a reduction in 5,000 square feet per lot, Table 12-53A of the proposed amendment requires that 24 percent of the overall development be provided in open space. Therefore, a 100 acre development with an average lot size of 30,000 sq.ft. would be required to provide open space of 24 acres. A greater reduction in dry lot area would yield a greater provision of open space.

The clustering of lot size concept is similar to the (E) Estate district, which was repealed by Council in 1996. The major problems with the E district regulations were the ability to count open water bodies toward the minimum lot size, and loopholes in the criteria for open space, which allowed developers to count unusable open space toward the minimum requirements. This reduced the buildable area of some lots to well below 20,000 square feet, created property lines under water, and resulted in a minimal amount of usable open space. The requirements of the previous district were not specific and detailed, and hence, developers used loop-holes to reduce minimum lot size and usable open space below the intent of the district.

To ensure that these problems or new ones do not occur, the proposal as amended by staff, addresses the definition and the location of required open space to ensure that such spaces are usable (i.e. not slivers of land left over between lots, or underwater). The applicant’s proposal specifically excludes water in the minimum lot size calculation. Staff has also made several recommendations to the applicant, many of which are incorporated into the proposal, to ensure that ‘open space’ is in the form of parks, connecting trails, and natural resource areas (wetlands, ridges, hammocks and archaeological sites), noting that the land development code allows up to 15% of a site area in water bodies to be counted toward ‘open space.’ In addition, staff recommends requiring that a minimum of 50% of open space required by Table 12-53A, be located along the perimeter of a site, adjacent to rights-of-way and visible to the general public. No more than one half of this perimeter open space should be water area. Upgraded landscape buffers around the perimeter of the site, including rolling berms and canopy trees along rights-of-way are also part of the proposal. Public open spaces, dedicated to satisfy the recreation and open space level of service, are to be located at the intersection of major roads adjacent to an R-1E development or shall abut pedestrian and horse paths, and shall be a minimum of two (2) acres in size. A developer is required to dedicate a minimum of 25% of the open space acreage required to satisfy the Town level of service. (See the attached Addendum A)

A summary of the differences between the existing zoning regulations and the proposed is listed below:

	<u>Existing Zoning Districts</u>	<u>Proposed Zoning District, R-1E</u>
Density:	1 unit per acre	1 unit per acre
Lot Size:	35,000 sq.ft. min.	min. 20,000 to 35,000+ sq.ft.
Open Space:	none required	15 to 31 percent of overall site area
		(based on average lot size ratio)
	----- 40%	----- 20%

Setbacks:	35' front	30' front*
	25' side	15' side*
	40' rear	25' rear *
Landscape	20' to major arterial	50' all roads 50' R-O-W or greater
Buffer:	10' local road	
Perimeter Wall:	Allowed	Staff recommends perimeter walls be
	prohibited	

**lots adjacent to communities of 35,000 sq.ft. lots are required to provide the setbacks of the adjacent zoning district.*

MASTER PLANS

The applicant's proposal requires a Master Plan be approved by Town Council at the time of rezoning to any such R-1E district. These proposed regulations will ensure that any master plan as approved by Town Council will not be deviated from. Any deviation that results in a decrease of an amenity as presented to Council, or a downgrade, as determined by the Planning and Zoning Division, would be required to amend the Master Plan and receive approval from Town Council.

PUBLIC INPUT

The applicant has met with several homeowner associations, specifically the developments adjacent to the land owned by the applicant. At these meetings, most homeowners were concerned with the size of lots adjacent to larger lot communities. The applicant has proposed code language that requires perimeter lots be a minimum of 35,000 sq.ft. if adjacent to other lots of similar size. Ensuring that drainage problems do not occur on other properties as a result of higher elevations was discussed and drainage, as required by the Central Broward Drainage District, is required to stay on site and then flow out into the control canals. Other concerns did not focus on the lot sizes as much as the overall density of the project not exceeding the one (1) unit per acre.

RECOMMENDATION

Staff believes the applicant's request to create a new zoning classification, R-1E, has several benefits for the Town of Davie. The principal public benefits are more open space both internal and external to a development, which can create a greater perception of rural character than the existing regulations, enhance the Town's trail system by locating open space parcels along same, and provide additional recreation and open space opportunities for the Town residents. Staff recommends approval of the R-1E concept subject to the specific recommendation set forth within addendum, with the understanding that additional editing revisions and refinement will occur before presentation to Town Council as an ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION

The Planning and Zoning Board recommended approval of ZB(TXT) 06-01-00, subject to the [staff report and] addendum as prepared by staff. In addition, subject to the Council considering the fact raising the minimum lot size from 20,000 square feet to a number that would be more acceptable to the Council and the public and subject to accessibility to the public of more then 25% of the public area. (motion carried 3-2, Mr. Greb and Ms. Moore dissenting, July 26, 2000)

ADDENDUM A

The comments listed below are general suggestions from Staff to ensure that the intent of the district, as described in the Staff Report, can be applied successfully to any development that may wish to rezone to the proposed R-1E district.

1. To ensure that communities that rezone to this district do not exclude the ability of residents to own horses, provide language in the proposed regulations to ensure that communities cannot deed restrict developments from horses. Staff also would like more elaboration on how horses and other residential agricultural uses can fit within the R-1E district. Staff recommends amending the section of the code that regulates agriculture to allow one horse for each 20,000 square feet of lot size with an additional horse every 5,000 square feet, in the R-1E and master planned to identify where allowed.
2. To ensure that open space is a benefit to the community as well as the development, staff has the following comments:
 - Parks dedicated to the public to meet the minimum level of service for recreation and open space shall be adjacent to the perimeter of a property shall be no less than 2 acres in size.
 - A landscape berm, adjacent to street rights-of-way greater than 50 feet shall be a minimum of 50' in width. This buffer may include pedestrian/horse/bicycle trails. Said buffer shall include one (1) canopy tree every 30 linear feet with two (2) accent trees every 100 linear feet, or fraction thereof. Accent trees may be substituted for palms as stated in Section 12-102(E).
 - Berm design specifications shall include that the required landscape berm shall be constructed so that the average height of the berm plus hedge or shrub line shall be at least 4'. The berm may be continuous or rolling. The maximum slope shall be 4:1.
3. The minimum gross project acreage may be reduced by application during the Master Development Plan process subject to a finding by Town Council that such proposal meets or exceeds the intent and requirements of the R-1E district.
4. Master Development Plan.

The Town of Davie will be presenting Master Planned Development requirements concurrent with the proposed amendment. A master plan shall be reviewed and approved concurrent with the proposed rezoning application. Any change in a master plan, as approved by Council, if considered a decrease in an amenity or a downgrade in design will be required to come back to Council for an amendment to the Master Plan.
5. Staff recommends that perimeter walls be prohibited around any development that rezones to this district, in light of the semi-rural lifestyle reflected throughout existing development patterns.
6. 50% of all open space, in excess of that dedicated to meet the required level of service must be visible on the perimeter of the site adjacent to road rights-of-way and one-half of said open space must be land area, exclusive of water bodies.
7. Clarify that 25% of all open space dedicated to meet the required level of service for recreation and open space must be located abutting roadways and/or trail systems.
8. Provide language included in the intent section of the proposed land development regulations to ensure that all open space parcels have a substantial value to the community.
9. Insert language allowing the Town Council to deny any master plan based on the distribution and size of open space parcels if inconsistent with the intent of the district to provide usable open space as an amenity.

Section 12-53A: R-1E district standards:

This section contains the residential performance standards applicable to the R-1E district. The standards of this section are the minimum standards of the R-1E district and shall apply to all development within the district.

1. R-1E Residential Performance Standards:

To be eligible to rezone to the R-1E district, the project shall be required to meet, at a minimum, the following standards establishing an exemplary development:

- a. All residential lots within the proposed development abutting an existing single family residential community wherein all lots are equal to or greater than 35,000 sq.ft., shall maintain a minimum of 35,000 sq.ft. (net dry) lot area;
- b. Minimum Recreation Area required per project (person per household for Residential 1 land use category is 3.3 persons per household): Ten (10) acres per 1,000 population; minimum required on-site recreation dedication. A minimum of 25% of the required recreation area shall be located on the perimeter the development or along the pedestrian/horse trail system (so as to be accessible to the general public) and shall be donated to the Town of Davie for use by the general public for recreation purposes. The remaining 75% required to meet the Level of Service standard for Recreation and Open space may be paid to the Town of Davie in lieu of on-site dedication. Each recreation area proposed for dedication to the Town of Davie shall be a minimum of one (1) acre in size;
- c. Minimum Open Space Ratio: As provided in Table 12-53A;
- d. Minimum Gross Project acreage: 100 acres (inclusive of right-of-way dedications);
- e. Minimum residential building setback to a public right-of-way: 75 feet;
- f. Minimum upgrade to lot required landscape planting requirements for all residential lots abutting existing residential development: A minimum of three (3) native canopy trees shall be planted within twenty (20') feet of the rear lot line of any residential lot abutting existing residential development so as to provide a buffer between the proposed development and existing residential development;
- g. Minimum upgrade to code required perimeter landscape buffer planting and berm requirements 25% above current code. All perimeter buffers within each phase of development shall be installed and completed prior to issuance of the first Certificate of Occupancy for any unit (other than models) within said phase. To the extent the required berm is located adjacent to an area utilized to meet the minimum open space ratio for this district, the berm height shall be reduced so as to provide a viewing corridor to the open space area for the benefit of the general public. Outside of the viewing corridor, the remainder of the berm shall be maintained at a minimum height of four (4) feet, measured from edge of curb (height shall include any hedges placed on top of the berm). In the event the required fifty (50) foot landscape buffer is separated from the road right-of-way by an intervening improvement (drainage district canal, lake, etc.), or other feature, the buffer width may be reduced. However, the Town Council may require the full buffer width at their discretion.
- h. Minimum dwelling unit floor area: 2,400 square feet; and,
- i. Minimum project frontage: 200 feet along a collector or arterial roadway.

2. Master Development Plan:

Rezoning to the R-1E district shall require the submittal, review and approval by the Town Council of a Master Development Plan. The Master Development Plan shall be at a scale of one (1) inch equals one hundred (100) feet or larger (unless approved by the Planning and Zoning Manager), that contains, but is not limited to, the following:

- a. the proposed name or title of the development, and the name of the engineer, architect, landscape architect or developer;
- b. the legal description of the proposed development;
- c. identification of the boundaries of the land shown with bearings, distances, closures and bulkhead lines on the land, and all existing easements, section lines, streets and physical features;
- d. the zoning district, land use designation, existing land use and names and location of adjoining developments and subdivisions contiguous (adjoining) the subject property;
- e. the general location, minimum acreage and proposed site improvements for recreation areas, inclusive of recreational trail systems;
- f. the vehicular circulation systems, including roads and access points;
- g. the overall site data, including tabulation of the total number of gross acres in the development, the base site area, the acreage to be devoted to each land use type, the total number of dwelling units;
- h. the minimum open space ratio to be provided by the development;
- i. the location of all perimeter landscape areas including width and minimum berm height, if proposed; and,
- j. site plan boundaries establishing the phasing lines of the Master Development Plan.

Effect of the Master Development Plan:

After rezoning to the R-1E district, no permits shall be issued by the Town and no development shall commence unless in conformance with the approved Master Development Plan and subsequent site plan approval(s). A site plan approval must be reviewed and shall be approved by the Town Council provided it complies with the development standards approved by the Town Council as part of the Master Development Plan approval. The applicant may develop the project in phases provided each site plan (phase) is consistent with the Master Development Plan. Compliance with the required open space ratio and Average Lot Area shall be based on the overall project. Deviations from the approved Master Development Plan shall be approved by the Town Council as part of site plan approval process provided that such deviations meet the following criteria:

- a) the deviations represent minor changes to residential parcel boundaries to account for field design issues;
- b) the deviations represent minor changes to non-residential parcel boundaries (retention/lake areas, landscape buffers, recreation parcels, etc.) to account for field design issues;
- c) other minor deviations determined by the Community Services Director to be of such insignificance that re-approval of the Master Development Plan through the rezoning process is not warranted; and,

- d) deviations as a result of requirements stipulated from governmental agencies.

Any other deviations or modifications to the Master Development Plan shall be reviewed as an amendment to the Master Development Plan and processed as if for a rezoning.

3. Table 12-53A - Residential Performance Standards of the R-1E District:

Open Space Ratio (Project)	Maximum Gross Density:	Average Lot Area (Project): NET DRY
.3167	1 du/ac.	25,000 to 26,562 sf
.2907	1 du/ac.	26,563 to 27,499 sf
.2750	1 du/ac.	27,500 to 28,437 sf
.2594	1 du/ac.	28,438 to 29,374 sf
.2437	1 du/ac.	29,375 to 30,312 sf
.2282	1 du/ac.	30,313 to 31,249 sf
.2125	1 du/ac.	31,250 to 32,187 sf
.1969	1 du/ac.	32,188 to 33,124 sf
.1812	1 du/ac.	33,125 to 34,062 sf
.1657	1 du/ac.	34,063 to 34,999 sf
.1500	1 du/ac.	35,000 and above sf

In no event shall the Average Lot Area for any project within the R-1E district be less than 25,000 square feet (Net Dry). By way of example, if the Master Development Plan establishes a minimum open space ratio of .2594, prior to final site plan approval of the last residential phase, the applicant shall provide proof that the overall development meets or exceeds an Average Lot Area of 28,438 square feet (Net Dry).

The Average Lot Area is calculated by dividing the total land area included within each of the residential lots, less and except easements or rights-of-way for public or private roads, primary utility transmission lines, and water management or drainage district canals, divided by the total number of residential lots.

V. Table 12-81A: Single Family Development Standards for the R-1E District

Add:

District	Min. Lot Area (sf)	Min. Lot Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)	Max Height (ft.)	Min. DU Floor Area (sf)	Max. Bldg Cover (Ratio)
R-1E	20,000 ¹	100'	30' ²	15'	25'	35'	2,400	0.35

To the extent any residential lot is required to maintain a minimum 35,000 sq.ft. net dry lot area, the following development standards shall apply:

¹ Net Dry Land Area

² For lots on cul-de-sacs or located on streets with curved alignments, the required front setback for any residential structure shall be the mid-point of the arc radius width meeting the required minimum lot frontage of the R-1E District (100') provided that said mid-point is a distance equal to or greater than the required front setback of the R-1E District (30' or 35' as applicable). In the event the midpoint of the arc-radius width is at a point less than the required front setback distance, the residential structure shall be setback at a minimum of the required front setback distance (the 30' or 35' as applicable).

*R-1E District Regulations
7/19/00 (supersedes 7/10/00)*

<i>District</i>	<i>Min. Lot Area (sf)</i>	<i>Min. Lot Frontage (ft)</i>	<i>Front (ft)</i>	<i>Side (ft)</i>	<i>Rear (ft)</i>	<i>Max Height (ft)</i>	<i>Min. DU Floor Area (sf)</i>	<i>Max. Bldg Cover (Ratio)</i>
R-1E	35,000 ¹	125'	35' ²	25'	40'	35'	2,400	0.30

¹ Net Dry Land Area

² For lots on cul-de-sacs or located on streets with curved alignments, the required front setback for any residential structure shall be the mid-point of the arc radius width meeting the required minimum lot frontage of the R-1E District (100') provided that said mid-point is a distance equal to or greater than the required front setback of the R-1E District (30' or 35' as applicable). In the event the midpoint of the arc-radius width is at a point less than the required front setback distance, the residential structure shall be setback at a minimum of the required front setback distance (the 30' or 35' as applicable).