

**LOCAL PLANNING AGENCY
NOVEMBER 14, 2007**

1. ROLL CALL

The meeting was called to order at 11:36 p.m. Board members present were Chair Mike Bender, Vice-Chair John Stevens, Philip Busey and Mimi Turin. Also present were Attorney Thomas Moss, Acting Development Services Director Marcie Nolan, Acting Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet, Planning Aide Carlo Galluccio and Board Secretary Janet Gale recording the meeting. Dan Pignato was absent.

2. APPROVAL OF MINUTES: October 24, 2007

Ms. Turin made a motion, seconded by Mr. Busey, to approve the minutes of October 24, 2007. In a voice vote, with Mr. Pignato being absent, all voted in favor. **(Motion carried 4-0)**

3. PUBLIC HEARING

- 3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 2, GENERAL REGULATIONS, SEC. 12-33. GENERAL REGULATIONS, SUBSECTION (A), ACCESSORY USES AND STRUCTURES, ADDING NUMERAL (12) GENERATOR, AND NUMERAL (13) UNDER-GROUND CONTAINER FOR NATURAL GAS (LIQUEFIED PETROLEUM); ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Gale read the ordinance by title. Ms. Nolan, explained the purpose of the ordinance and the change that was made to allow natural gas generators inside the footprint of the home.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stevens made a motion, seconded by Chair Bender, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

- 3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, USE REGULATIONS, DIVISION 5, NONCONFORMING USES AND STRUCTURES, SECTION 39, NONCONFORMING BUILDING AND STRUCTURES, TO CREATE AN EXCEPTION FOR ADDITIONS TO SINGLE FAMILY DWELLINGS WITH LEGAL NONCONFORMING SETBACKS; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Gale read the ordinance by title. Ms. Bazinet, explained the purpose of the ordinance which was to help reduce variance requests when a single-family homeowner requested to build an addition that met the original setbacks for their house.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stevens made a motion, seconded by Chair Bender to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

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- 3.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, BY ADDING THE FOLLOWING SECTIONS: 12-32.500 “RAC” REGIONAL ACTIVITY CENTER DISTRICTS, 12-32.501 INTRODUCTION, 12-32.502 TERMINOLOGY AND ABBREVIATIONS, 12-32.503 INTENT/PURPOSE, 12-32.504 APPLICABILITY, 12-32.505 TRANSIT-ORIENTED STREETS, 12-32.506 RAC DISTRICTS INTENT AND REQUIREMENTS, 12-32.507 PERMITTED USES, 12-32.508 COMPONENTS OF PLACE STREETS AND BLOCKS, 12-32.509 INTENSITY OF USE STANDARDS, 12-32.510 SITE DEVELOPMENT STANDARDS, 12-32.511 BUILDING FRONTAGE TYPES AND RIGHT-OF-WAY ENCROACHMENTS, 12-32.512 RULES OF TRANSITION, 12-32.513 USE OF PUBLIC RIGHT-OF-WAY, 12-32.514 MASSING AND ARTICULATION, 12-32.515 GENERAL PROVISIONS, 12-32.516 NONCONFORMITIES, 12-32.517 OFF-STREET PARKING REQUIREMENTS, 12-32.518 GENERAL OPEN SPACE PRINCIPLES AND REQUIREMENTS, 12-32.519 TYPES OF OPEN SPACES PRINCIPLES AND MINIMUM STANDARDS, 12-32.520 SIGNAGE REGULATIONS, 12-32.521 LANDSCAPING REQUIREMENTS AND GUIDELINES, 12-32.522 SITE PLAN PROCEDURES, 12-32.523 VARIATIONS IN DESIGN ADMINISTRATIVE RELIEF, 12-32.524 BUILDING DESIGN GUIDELINES, 12-32.525 ADDITIONAL DESIGN GUIDELINES, 12-32.526 GREEN BUILDING, 12-32.527 DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Chair Stevens made a motion, seconded by Chair Bender, to waive the reading of the ordinance by title. With Mr. Pignato being absent, there were no objections. **(Motion carried 4-0)**

Ms. Nolan, stated that this was the text amendment which was part of the presentation made earlier. She promised that staff “would work out the non-conforming section and work out the industrial section to be consistent with Mr. Manes’ representations” as made during the Planning and Zoning meeting. Ms. Nolan indicated that the item would go before Council on December 5th for its first public hearing and again on December 19th. She believed that by final adoption, all the problems should be worked out.

Vice-Chair Stevens asked if this issue would be presented to Council along with the Trotters Chase item at the same meeting. Ms. Nolan responded affirmatively and in consideration of the time factor for the two items, she indicated that it would be pointed out to Council.

Mr. Busey disclosed that he had spoken with Austin Forman and Jim Kane about this item. He asked what the consequences were if the zoning was approved and the Land Development Code was not approved or vice-versa. Ms. Nolan responded that it would not happen that way, they would have to go together.

Mr. Busey indicated that he did not want to go against the Land Development Code; however, since it went with the rezoning, he would have to. The Agency realized that with Mr. Pignato’s absence, there was an even number of Agency members and the vote could be tied.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

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Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. Chair Bender indicated that he would vote for this item only in order to move it forward rather than have it turn out to be a two-to-two tie which mandated a tabling. Mr. Busey indicated that he did not want to obstruct the whole process either and would vote affirmatively with concerns about the property owners that did not understand. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned 11:58 p.m.

Date Approved: _____

Chair/Agency Member