



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103

MEMORANDUM

TO: Planning and Zoning Board

FROM: David Quigley, Planning and Zoning Manager 

DATE: July 17, 2015

SUBJECT: LATXT15-204 Text Amendment to the Comprehensive Plan regarding commercial building height along interstate highways.

BACKGROUND

The Future Land Use Element of the Comprehensive Plan includes an “Implementation” section, which specifies the allowable uses within each of the Future Land Use Categories and also identifies the maximum building height for some categories.¹ The maximum height within the Commercial designation is 45ft., with certain exceptions. This provision remains sufficient for most areas of the Town considering that provisions have been made for more intensive development in the Regional Activity Center and Transit Oriented Corridor (the RAC and TOC areas have no specific height limit in the Comprehensive Plan).

By way of Ordinance 2015-004, the Town recently amended the Implementation section to allow taller buildings up to 60ft. in Commercial areas adjacent to I-595. As was the case with the I-fly development, because the zoning code currently allows a maximum height of 35ft. in most cases, a developer proposing to exceed 35ft. must obtain a site-specific approval from Town Council, such as a variance or special permit, and complete the public participation process.

The proposed amendment clarifies the previously-adopted provision and extends the provision to Commercial properties west of I-75. This amendment is immediately needed to accommodate the Aloft proposed on 14th St., just west of I-75. This proposed language continues to provide for a significant distance separation from any existing residential structure and procedural steps necessary to address any site-specific compatibility issues that may occur.

RECOMMENDATION

Recommend that Town Council approve the amendment as proposed.

¹ By statute, all land development regulations, zoning actions and development approvals must be consistent with the adopted comprehensive plan (zoning regulations can be more restrictive). One of the purposes of the “Implementation” section is to enable calculations of future development potential.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT) 15-204, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN AS TO THE STANDARDS FOR BUILDING HEIGHTS IN COMMERCIAL AREAS ADJACENT TO I-595 AND I-75; PROVIDING FOR TRANSMISSION TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Future Land Use Policy 6-3 of the adopted Comprehensive Plan (the adopted Plan) for the Town of Davie encourages infill development as a means of directing growth to areas already containing essential infrastructure improvements and directs that priority be given to areas that are suitable for infill development; and

WHEREAS, Future Land Use Policy 10-1 of the adopted Plan encourages the Town to expand its economic base through the expansion of its commercial sector; and

WHEREAS, the Town has determined that the allowable building height for properties with a Commercial land use designation under the adopted Plan can be increased under certain circumstances without negatively impacting surrounding land uses; and

WHEREAS, the Planning and Zoning Board of the Town of Davie conducted a public hearing on the proposed amendment on July 22, 2015; and

WHEREAS, the Town Council of the Town of Davie conducted public hearings prior to the date this Ordinance was transmitted to the State Land Planning Agency and on the date this Ordinance was adopted by the Town, as required by State statute.

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

SECTION 1. The Future Land Use Element of the Town of Davie Comprehensive Plan is hereby amended as set forth in Exhibit “A”, attached hereto and made a part hereof.

SECTION 2. 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 3. The Town Council hereby authorizes the appropriate Town officials to submit the appropriate number of copies of this ordinance and the Town’s Comprehensive Plan, as amended herein, to the State Land Planning Agency and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with and pursuant to Chapter 163, Florida Statutes.

SECTION 4. The effective date of this plan amendment is 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, the plan amendment does not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance with Section 163.3184, F.S.

SECTION 5. The Town Clerk is directed to transmit a certified copy of this amendment to the Broward County Planning Council with a request that the Council recertify the Town of Davie Future Land Use Plan.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2015

PASSED ON SECOND READING THIS _____ DAY OF _____, 2015

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2015

EXHIBIT “A”

Future Land Use Element

PLAN IMPLEMENTATION

Permitted Uses and Densities in
Future Land Use Plan Categories

This section identifies those uses permitted in the categories shown on the Davie Future Land Use Plan map and contained within this Plan. State law specifically requires that zoning as to permitted uses, densities and intensities must be in compliance with the uses enumerated in this section and the Davie Future Land Use Plan map designations. It should be noted that the Town Land Development Regulations may further restrict permitted uses.

Areas designated on the Davie Future Land Use Plan map generally follow property ownership lines, geographic boundaries such as canals, and road rights-of-way. Zoning regulations may permit any or all of the uses enumerated within each category; however, State law requires that all uses shall be in compliance with the permitted uses and densities of the applicable category that the regulations are intended to implement. Uses may be permitted outright, or subject to special conditions or exceptions. All land use categories shall permit local roads, water and wastewater lines, and electricity distribution lines designed to serve the individual development only.

Commercial Land Use Category

The Commercial land use category provides for business, office, retail, service, and other related commercial uses which are necessary to accommodate Davie’s population.

LAND USE CATEGORY	MAX. BLDG COVERAGE	*MAX. BLDG HEIGHT
Commercial	.40	45’

* ~~max. bldg.~~The maximum building height for properties located within the Griffin Rd. Corridor is 60 feet. Community-scale and planned center Commercial properties that are contiguous to Interstate 595/State Road 84 may contain buildings of up to 70 feet in height, provided a building setback of thirty (30) feet from existing residential structures for every ten (10) feet of building height is maintained.The maximum building height for properties contiguous to Interstate 595, State Road 84 or to the western boundary of Interstate 75 is 70 feet, provided that any new building higher than forty-five (45) feet shall be set back from any existing residential structure by at least thirty (30) feet for every ten (10) feet of total building height.