



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • Fax: 954.797.1204 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: David Quigley, Planning & Zoning Manager (954-797-1075) 

DATE: May 4, 2015

SUBJECT: Amendment to the Zoning Code – Various Issues (ZBTXT16-089)

BACKGROUND

The proposed ordinance is intended to address various issues as set forth in the attached summary table.

RECOMMENDATION

Staff recommends that the Planning and Zoning Board find that the proposed ordinance is consistent with and furthers the Town's Comprehensive Plan.

SUMMARY OF PROPOSED CHANGES

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|------------------------------------|---|
| 1 | 12 | 32 | 32 | Drug and alcohol treatment centers | <ul style="list-style-type: none"> • Define “Addiction Treatment Center” as any outpatient service providing diagnostic or therapeutic services for alcoholism, drug abuse, or similar conditions. Clinics, professional offices or similar uses that provide addiction treatment counseling to individuals as part of a larger practice are not considered addiction treatment centers. • Permitted in: B-3 only • Standards: Min. distance separations: 500ft. from other addiction treatment centers and 500ft. from any residential district, place of public assembly, K-12 school or day care facility. • Allowed in freestanding building only. • Minimum 5,000 sq. ft. facility unless part of a hospital. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|--|
| 2 | 12 | 33 | 11(A)(11) | <p>Residential portable storage units for on-site storage</p> <p>Currently a “permit” is required but such units are not normally subject to a building permit and no other Town permit system has been created. Other clarifications are also needed. A permit system is impractical for such temporary uses. Instead, the code should have clear standards that are easily enforced if exceeded by the landowner. Storage facilities for uses other than single family homes are best addressed through temporary use permit or similar approval.</p> | <ul style="list-style-type: none"> Clarify that one portable storage unit is permitted on a driveway (or similar paved area) on a single family lot for a maximum of 30 days per calendar year. |
| 3 | 12 | 34 | 34(E) | Child Care, Day Nursery, Day Care facility | <ul style="list-style-type: none"> Standards improved to ensure proper site selection, traffic circulation and child safety. An outdoor play area standard of 25sq ft per child is proposed. This exceeds the State and County requirement and should be easier to enforce.¹ Prohibit the use of parking aisles for required vehicle stacking. |

¹ Because its standards exceed those of the state, Broward County is one of 5 counties that issues day care licenses locally. County Code Sec. 7-5.03 provides: *There shall be a minimum of forty-five (45) square feet of usable, safe, and sanitary outdoor play space per child, one (1) year of age and older. Outdoor play space shall be calculated at the rate of forty-five (45) square feet per child in any group utilizing the play space. A minimum outdoor play space shall be provided for one-half (½) of the licensed indoor capacity. The minimum standard for outdoor play space shall not apply in calculating square footage for children under one (1) year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The facility shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child. Infants in care shall be provided opportunities for outdoor time each day that weather permits.*

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|---|
| 4 | 12 | 34 | 34(MM) | Education K-12 development standards | <ul style="list-style-type: none"> Standards added to ensure that when a school is located within 1,200ft. of a major intersection , that such intersection is fully signalized for vehicles and pedestrians. Prohibits K-8 classrooms on upper floors of a building. Prohibits the use of parking aisles for required vehicle stacking. |
| 5 | 12 | 34 | 34(V) | Residential/Office (RO) district | <p>Limit residential to single-family, duplex and townhouse style.</p> <ul style="list-style-type: none"> Eliminate banks as a permitted use. For non-residential and mixed use, set max. building size at 2,500 sq. ft. , require parking placement behind building façade, specify that “residential appearance” includes peak roof, front facing windows and prominent front door. |
| 6 | 12 | 34 | 34(Z) | <p>Special Residential Facilities</p> <p>In a prior ordinance, the maximum number of beds for Category 1 was changed from 8 to 6. The other categories should have been adjusted accordingly.</p> | <ul style="list-style-type: none"> Change the number of beds in a Category 2 facility from 9-14 to 7-14 (to correct a prior typographical error). Require a new Certificate of Occupancy and installation of accessibility features prior to any conversion of a residential building. |
| 7 | 12 | 34 | 34(CC) | <p>Vehicle sales and rental</p> <p>This section sets forth the standards for this use within commercial and industrial districts. Editing is necessary for clarity.</p> | <ul style="list-style-type: none"> Edit for clarity. Delete provision for “indoor showrooms” related to the M-1, M-2 and M-3 districts but institute a minimum lot size requirement. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|--|
| 8 | 12 | 34 | 34(QQ) | <p>B-2M District uses</p> <p>The B-2M district was recently created by ordinance for possible application to the “Hacienda Flores” area on State Road 84. The intent was to allow some aspects of marina use, such as boat and yacht sales, but not others, such as major hull repair. Some further changes are needed to address potential impacts to neighboring residential uses.</p> | <ul style="list-style-type: none"> Specify that liveaboards, manufacturing of any kind and hull or engine repair of any kind are prohibited. Limit work on boats to cleaning and installation of electronics and similar final components. |
| 9 | 12 | 54 | 54 | <p>Nonresidential performance standards</p> <p>This section was adopted by Ordinance 1990-4 as part of major revisions to the zoning code (see further explanation in Sec. 12-83). It introduced concepts such as “landscape surface ratio” and “floor area ratio” creating duplication and conflicts with other code sections. As outlined in Sec. 12-83, by revising the standards for the SC, UC, FB and BP districts, Sec. 12-54 can be repealed.</p> | <ul style="list-style-type: none"> Repeal Sec. 12-54 (rely on revised standards of Sec. 12-83 through 12-87). |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|--|---|
| 10 | 12 | 83 | 83 | <p>Development standards for the SC, UC, FB and BP districts.</p> <p>Ordinance 1990-4 introduced the Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB) and Business Park (BP) districts as a “performance zoning” alternative to the “Commercial Conservation Standards” of the B-1, B-2 and B-3 districts. Ordinance 1990-4 also included bufferyard standards specific to these districts. The overall intent was to emphasize “performance” standards, such as context sensitive design and bufferyards, rather than building setbacks. This effort was incomplete, however, and failed to address key requirements, such as building heights, as required by the comprehensive plan. The bufferyard requirements referenced in Ordinance 1990-4 were also subsequently repealed.</p> <p><i>As of this date, no properties have been zoned Suburban Commercial (SC) or Freeway Business (FB). The only areas zoned Business Park (BP) are west of I-75, north of Griffin Road. The only area zoned Urban Commercial (UC) is the Target Shops site at the corner of University Drive and Stirling Road.</i></p> | <ul style="list-style-type: none"> • Add language to Sections 12-84 through 12-87, concerning the SC, UC, FB and BP districts, to clarify how the Non-Residential Development Standards of Sec. 12-83 apply to these districts. Specifically, each of the districts is “linked” to one of the “Commercial Conservation Districts” based on similarity of intensity: <ul style="list-style-type: none"> • SC = B-2 district • UC = B-3 district • FB = B-3 district • BP = O district (Office) |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|---|
| 11 | 12 | 100 | 100 | Incorporate Ch. 26, Vegetation, into Ch. 12, Art. VI. | <ul style="list-style-type: none"> • Change article title to: “Landscaping, Tree Preservation and Land Clearing”. • Div 1: Landscaping • Div 2: Prevention of tree abuse • Div 3: Tree preservation, removal and relocation • Div 4: Clearing and Grubbing of Land • Edit all of the above for clarity. • Allow the Town Administrator to approve clearing and grubbing permits prior to site plan as needed to prepare the land for development or to control invasive exotics. • To be addressed by separate resolution: <ul style="list-style-type: none"> • Schedule of tree mitigation values (per inch) and addressing tree type of health/quality. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|------------------------------------|---|
| 12 | 12 | 205 | 205(A)(7) | Electric vehicle charging stations | <ul style="list-style-type: none"> • Require charging stations for multi-family and commercial developments based on the total number of parking spaces provided: <ul style="list-style-type: none"> • 1-25: 0 • 26-50: 1 • 51-200: 2 • 201-500: 4 • 500+: 6 • See Appendix 1 for existing development examples. • Require signage identifying charging spaces but allow developer to determine location and level of enforcement necessary (e.g., whether to prohibit or merely discourage parking of non-electric cars). • Allow Town Council to waive requirement where vehicle charging stations can be shown to be impracticable or where other facilities are available in the area. • Encourage installation of charging infrastructure in excess of the proposed requirement (dry-fitting). |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|--|---|
| 13 | 12 | 208 | 208 | <p>Restaurant and bar parking</p> <p>Current Town Standards: Bar: 1/40sf “bar or lounge space” + 1/200sf “emp. service area” Restaurant, general: “1/80sf dining area” (equivalent to 12.5 spaces per 1,000sf GFA). *If more than 10% of the seating is around a bar, refer to bar standard. Restaurant, drive-through or takeout: 1/50sf GFA (equivalent to 20 spaces per 1,000sf GFA).</p> <p>Issues: Current restaurant/bar rates may fail to capture employee parking needs and demand associated with waiting rooms and other “non-dining” areas. Even after adjusting for uncounted areas, Town rates are up to 25% below those indicated by the current ITE Parking Generation Manual. Current fast food rate is up to 40% higher than indicated by the current ITE Parking Generation Manual. See Appendix 2 for further detail.</p> | <ul style="list-style-type: none"> • Leave “Bar” standard as-is but replace “restaurant, general” with: • Restaurant, general (without bar service) Rate: 13 spaces per 1,000sf GFA • Restaurant, general (with bar service) Rate: 16 spaces per 1,000sf GFA* • Change rate for “restaurant, drive-through or take-out” to: 12 spaces per 1,000sf GFA <p><i>*The recently approved Outback/Tilted Kilt project (including retail component) was required to provide 139 spaces and provided 186. If the proposed restaurant/bar standard is adopted, 223 spaces would have been required.</i></p> |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|--|
| 14 | 12 | 208 | 208 | <p data-bbox="575 235 856 261">Dormitory parking rate</p> <p data-bbox="575 305 1100 440">The current rate is 0.5 spaces per bed but it only addresses “on-campus” dormitories. Parking demand for off-campus dormitories would likely be higher.</p> | <ul data-bbox="1178 235 1745 300" style="list-style-type: none"> <li data-bbox="1178 235 1745 300">• Establish rates for both on-campus and off-campus dormitories at: <p data-bbox="1226 342 1528 368">On-campus: 0.85 per bed</p> <p data-bbox="1226 376 1717 441">Off-campus: 0.85 per bed plus 10% guest parking</p> <p data-bbox="1178 483 1755 688"><i>*These rates are on the high end but should be maintained unless there is a demonstration that a lower rate is warranted (e.g., due to high transit use). Variances and/or special parking studies may be necessary to address individual circumstances.</i></p> |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|--|
| 15 | 12 | 240 | 240 | <p>Signs in shopping centers, office and industrial parks.</p> <p>This section limits wall signage within a multi-tenant development to 2 colors (colors chosen by the landowner). Each tenant is also allowed up to 15% of the sign area for other colors associated with a logo. The chosen colors for each center must be kept on file by the Town but the landowner is free to change the colors at any time (66 centers are currently on file). Colors are not regulated in the following cases: “anchor tenant” stores within a multi-tenant center, ground-mounted signs, wall signs on a single-tenant building.</p> <p>Although some multi-tenant developments limit sign colors through their lease agreements, municipal regulation of sign colors in this fashion is not typical of other municipalities and has potential legal complications (e.g., infringement on use of registered trademarks). This arrangement has also proven difficult to enforce consistently since the colors can be changed by the landowner.</p> | <ul style="list-style-type: none"> • Revise this section to eliminate controls on the number of colors used in shopping centers and industrial parks but clarify and strengthen the requirements concerning the type of sign and lighting style used in multi-tenant signs. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|--|---|
| 16 | 12 | 243 | 243(D)(5) | <p>Banner signs.</p> <p>For many years, the Town regulated banners as follows: Copy: Limited to “grand opening” and similar special events. Term: 30 days, up to 4 times per year per business Size: 4 sq. ft. per lineal foot of façade Location: Attached to building only. Permit required?: Yes</p> <p>By Ordinance 2013-012, the Town adopted a 1-year trial program to allow feather flags and similar temporary “banner” signs in more situations. Under this program, a business owner could obtain a permit to install banner signs, including feather flags and cardboard signs staked into the ground, without time limits and without limits on subject matter. In practice, only 14 permits were approved since program inception but the number of banners displayed far exceeds this.</p> | <ul style="list-style-type: none"> • Repeal the one year trial program. • Reinstate the banner provisions that existed prior to Ord. 2013-012 but with stricter size limitations (2sq. ft. per lineal foot of façade as opposed to 4sq. ft.) and with clearer standards concerning placement. • Provide for sunseting of permits issued under the trial program, leaving a grace period of no less than 60 days. |
| 17 | 12 | 261 | 261 | <p>Street lighting</p> <p>Currently, street lighting systems require approval of the Town Engineer but the long term operational costs of systems dedicated to the Town are not addressed.</p> | <ul style="list-style-type: none"> • Require that systems to be dedicated to the Town shall utilize LED or similar high efficiency luminaries with a minimum five year warranty. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|--|--|
| 18 | 12 | 306 | 306 | No rezoning and similar applications when code issue pending | <ul style="list-style-type: none"> Add paragraph (B)(5): No application for rezoning, special permit, variance or site plan approval shall be finally considered for any parcel of land during such time as there is an unresolved notice of violation or which is contrary to a final order by the Special Magistrate pursuant to Chapter 6, Division 1 of the Town Code. The Town Council may waive this provision if the proposed application serves to resolve or reduce the violation. |
| 19 | 12 | 311 | 311 | <p>Standards for moratorium.</p> <p>The current standard for establishment of a moratorium are based on a narrow concept of a temporary cessation of development in a defined “geographic” area and does not address moratoria based on particular uses or other subject matter.</p> | <ul style="list-style-type: none"> Repeal Sec. 12-311 entirely. Any future moratoria can simply be adopted by ordinance with appropriate notice based on the subject matter. <p><i>*This does not affect the “zoning in progress” provision, which will remain in place.</i></p> |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|-------|-----------|--|---|
| 20 | 12 | 319.6 | 319.6 | <p>Public participation requirements.</p> <p>The requirement for public participation plans is intended to ensure that the public and surrounding property owners have an opportunity to participate in decisions that may materially affect their properties. The code requires public participation plans for site plans, rezoning and similar applications, but not specifically for plats and plat-related applications. Due to the time required to obtain County approval of a plat or plat related amendment, applicants will sometimes submit such applications for Town review well in advance of an actual site plan application. Requiring public participation for all plat-related applications would be inefficient given that many plat details governed by the County are inconsequential to surrounding properties.</p> | <ul style="list-style-type: none"> • Authorize the Town Administrator to require an applicant to provide mailed notice to surrounding property owners for plat or plat-related applications where a public participation plan is not otherwise required. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|--|--|
| 21 | 12 | 340 | 340 | <p>Development Review Committee (DRC) membership</p> <p>Central Broward Water Control District (CBWCD) is currently listed as a DRC member. In practice, applicants coordinate with CBWCD in parallel with the Town's site plan review process but the District does not provide comments or project "releases" in the same manner as Town departments. Since CBWCD enforces its own code standards, not the Town Code, it is not necessary for CBWCD to be a member of the Town's DRC.</p> | <ul style="list-style-type: none"> Eliminate CBWCD as mandatory DRC committee member but continue to include CBWCD in electronic routing of development applications. |
| 22 | 12 | 369 | 369 | <p>Projects excluded from site plan review.</p> <p>Currently, the only types of development specifically excluded from the site plan review process are one- and two-family dwellings (e.g., construction on an established lot of record) and certain additions that do not increase the size of a building by more than 20 percent. An additional exception is needed for agricultural uses. The site plan approval process is impractical for agricultural uses and can conflict with certain statutory pre-emptions on building permits.</p> | <ul style="list-style-type: none"> Delete the exception related expansions of less than 20 percent (this issue is already addressed by Sec. 12-374, Site Plan Modifications). Add an exception for agricultural use (this would not affect the need to obtain applicable building or engineering permits). |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|------|-----------|---|---|
| 23 | 12 | 371 | 371(C) | Site plan review. | <ul style="list-style-type: none"> Prohibit Town Council consideration of a site plan where the property is the subject of an unresolved code compliance issue (Town may waive if the proposal will resolve the violation). |
| 24 | 12 | 372 | 372 | <p>Site plan submission requirements</p> <p>The current practice involves a series of preliminary meetings between the staff and the applicant, with the applicant later uploading the site plan and other application materials over the internet. Clarification is needed in the Code as to when plans are actually routed for review.</p> | <ul style="list-style-type: none"> Specify that staff review does not commence until the application is deemed complete by Town staff. |
| 25 | 12 | 374 | 374 | <p>Modification of site plan.</p> <p>This section sets forth the approval process for material vs. non-material changes to an approved site plan (material changes required Council approval while non-material changes may be approved by staff, with our without site plan committee review). The intent was to allow certain changes to a site plan to be approved administratively provided that the site plan remained consistent with any restrictive covenants or conditions of approval that may have been required by Town Council. Re-editing is necessary for clarity.</p> | <ul style="list-style-type: none"> Retain the intent of this section but re-edit for clarity. Require super-majority vote of Town Council to remove or modify restrictive covenants related to approval of a site plan. |

| No | Ch. | Sec. | Sub. Sec. | Issue | Recommendation |
|----|-----|--------|-----------|---|--|
| 26 | 12 | 438.15 | 438.15 | <p>Drive-through windows in RAC downtown</p> <p>Currently, other than related to building frontage requirements, there is no restriction on drive-through windows for restaurants or other uses. To maintain a pedestrian-friendly atmosphere, drive-through restaurants should be prohibited entirely within the RAC-Town Center (TC). Drive-throughs for banks and other uses may be allowed if they have no direct access to Transit Oriented Streets (Davie Road, Orange Drive and 39th Street are Transit Oriented Streets).</p> | <ul style="list-style-type: none"> • Prohibit drive-through windows for food service uses within the RAC-TC district. • Allow other drive-through windows (such as banks) within the RAC-TC district provided that there is no direct access from a Transit-Oriented Street. |
| 27 | 12 | 503 | 503 | Definitions | <ul style="list-style-type: none"> • Repeal the following unused definitions: • Landscape Surface Ratio • Floor Area Ratio |
| 28 | 99 | Policy | Policy | Provide turning radii on site and landscape plans (not just fire plan). | <ul style="list-style-type: none"> • Addressed via changes to application checklists. |
| 29 | 99 | Policy | Policy | Ensure line of site, especially residential projects. | <ul style="list-style-type: none"> • Addressed via changes to application checklists. |
| 30 | 99 | Policy | Policy | In design manual, provide more examples of stack stone. Focus on use of natural materials. | <ul style="list-style-type: none"> • Town-wide design manual updated. |

Appendix 1: Electric Vehicle Charging Stations – Examples of Existing Developments

| <u># of Parking Spaces</u> | <u>Name of Development</u> | <u>Address</u> |
|----------------------------|---|--|
| 26-50 | Carriage Hills MCP Management Corp | 6900-6948 Stirling Rd. 7900 SW 24th St. |
| 51-200 | County Road Shoppes Davie Professional Plaza | 6301-6349 Stirling Rd. 2750-2790 University Dr. |
| 201-500 | Broward Plaza Shoppes of Arrowhead | 4803-4999 State Road 7 2411-2699 S. University Dr. |
| 500+ | Davie Square Tower Shoppes | 5503-5793 S. University Dr. 1902-2224 S. University Dr. |

Appendix 2: Comparison of Parking Rates

Comparison of ITE and Town Restaurant Parking Rates

| Land Use Code | Restaurant Type | Average Peak Demand Per 1,000 SF GFA (1) | Equivalent Town Req. Per 1,000 SF GFA (2) | Variance |
|---------------|--|--|---|----------|
| 931 | Quality Restaurant | 16.4 | 7.5 | (8.9) |
| 932 | HighTurnover Restaurant - Without Bar | 13.5 | 7.5 | (6.0) |
| 932 | HighTurnover Restaurant - With Bar | 16.3 | 15.3 | (1.1) |
| 933 | Fast Food Restaurant - Without Drive-through | 12.4 | 20.0 | 7.6 |
| 934 | Fast Food Restaurant - With Drive-through | 10.0 | 20.0 | 10.0 |
| 936 | Coffee/Donut Shop - Without Drive-through | 13.6 | 20.0 | 6.4 |
| 937 | Coffee/Donut Shop - With Drive-through | 10.4 | 20.0 | 9.6 |

NOTES

(1) Source: Parking Generation, 4th Edition, Institute of Transportation Engineers, 2010

(2) Currently, only "restaurant seating area" is counted for non-fast food restaurants (kitchens, restrooms and other non-dining areas typically account for 40% of GFA). The rate shown for restaurant "with bar" assumes 10% of seating area is bar seating.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE III, USE REGULATIONS, SEC. 12-32, PERMITTED USES; SEC. 12-33, GENERAL REGULATIONS; SEC. 12-34, STANDARDS FOR SPECIFIC USES; ARTICLE IV, DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS; ARTICLE V, DEVELOPMENT STANDARDS; ARTICLE VI, SITE LANDSCAPING; CREATING THE FOLLOWING DIVISIONS WITHIN ARTICLE VI: DIVISION I, LANDSCAPING, DIVISION 2, PREVENTION OF TREE ABUSE, DIVISION 3, TREE PRESERVATION, REMOVAL AND RELOCATION; AND DIVISION 4, CLEARING AND GRUBBING OF LAND; AMENDING ARTICLE VII, PARKING; AMENDING ARTICLE VIII, SIGNS, LIGHTING; AMENDING ARTICLE X, PLANNING AND DEVELOPMENT; ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES; ARTICLE XII, SUBDIVISIONS AND SITE PLANS; ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, DIVISION 11, REGIONAL ACTIVITY CENTER, SEC. 12-438.15. - SUPPLEMENTAL REGULATIONS (CONCERNING DRIVE-THROUGH BUSINESSES); ARTICLE XIV, DEFINITIONS; REPEALING CHAPTER 26 VEGETATION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, at a public hearing on _____, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2016

PASSED ON SECOND READING THIS ____ DAY OF _____, 2016

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2016

Contents

| | |
|---|----|
| ARTICLE III. - USE REGULATIONS ^[3] | 3 |
| DIVISION 1. PERMITTED USES..... | 3 |
| Sec. 12-32. - Permitted uses..... | 3 |
| DIVISION 2. - GENERAL REGULATIONS..... | 14 |
| Sec. 12-33. - General regulations..... | 14 |
| DIVISION 3. - STANDARDS FOR SPECIFIC USES ^[4] | 17 |
| Sec. 12-34. - Standards for specific uses. | 17 |
| ARTICLE IV. - DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS | 29 |
| DIVISION 1. - GENERALLY | 29 |
| Sec. 12-50. - Purpose. | 29 |
| Sec. 12-51. - Compliance..... | 29 |
| DIVISION 2. - DISTRICT PERFORMANCE STANDARDS | 29 |
| Sec. 12-52. - Generally. | 29 |
| Sec. 12-53. - Single-family, open space and planned residential performance standards. | 29 |
| ARTICLE V. - DEVELOPMENT STANDARDS | 35 |
| DIVISION 3. - NONRESIDENTIAL DEVELOPMENT STANDARDS..... | 35 |
| Sec. 12-83. - Commercial Conservation Standards. | 35 |
| Sec. 12-84. - Urban Commercial (UC) District. | 37 |
| Sec. 12-85. - Suburban Commercial (SC) District. | 40 |
| Sec. 12-86. - Freeway Business (FB) District..... | 43 |
| Sec. 12-87. - Business Park (BP) District. | 44 |
| ARTICLE VI. - LANDSCAPING, TREE PRESERVATION AND LAND CLEARING | 45 |
| Division 1. Landscaping..... | 45 |
| Sec. 12-100. - Purpose and intent. | 45 |
| Sec. 12-101. - Applicability..... | 46 |
| Sec. 12-101.1. - Definitions..... | 47 |
| Sec. 12-102. - Florida-friendly landscaping. | 50 |
| Sec. 12-103. - Plant material and soil. | 51 |
| Sec. 12-104. - Landscape plan requirements. | 53 |
| Sec. 12-105. - Irrigation..... | 55 |
| Sec. 12-106. - Yard waste management, composting and use of mulches. | 57 |
| Sec. 12-107. - Fertilizer and pesticide management..... | 57 |
| Sec. 12-108. - Installation and maintenance. | 59 |
| Sec. 12-109. - Effect of failure to correct violation upon notice. | 59 |
| Sec. 12-110. - Miscellaneous requirements..... | 60 |
| Sec. 12-111. - Landscaping standards for lots and sites. | 60 |
| Sec. 12-112. - Landscaping for parking lots..... | 67 |

| | |
|---|----|
| Sec. 12-113. - Sight distance for landscaping adjacent to public rights-of-way and points of access. | 68 |
| Sec. 12-114. - Completion of common area, landscape buffers and street trees for all districts. | 68 |
| Sec. 12-115. - Minimum landscaping requirements for outdoor equipment or facilities. | 68 |
| Sec. 12-116. - Trees planted under power lines or telephone lines. | 69 |
| Sec. 12-117. - Buffering and landscaping for telecommunications towers, antenna, related accessory structures and other communication antenna apparatus. | 69 |
| Sec. 12-119. - Education. | 70 |
| Sec. 12-120. - Incentives. | 70 |
| Sec. 12-121. - Enforcement and monitoring. | 70 |
| Division 2. Prevention of tree abuse. | 70 |
| Sec. 12-140. - Purpose. | 71 |
| Sec. 12-141. - Applicability. | 71 |
| Sec. 12-142. - Definitions. | 71 |
| Sec. 12-144. - Tree trimming service providers. | 73 |
| Sec. 12-145. - Prohibition of tree abuse; exceptions; administrative appeal. | 74 |
| Sec. 12-146. Stop work orders. | 75 |
| Sec. 12-147. - Remedial actions required for tree abuse. | 75 |
| Division 3. Tree preservation, removal and relocation. | 76 |
| Sec. 12-150. - Tree removal/relocation permit required. | 76 |
| Sec. | 76 |
| Sec. 12-151. - Definitions. | 76 |
| Sec. 12-152. - Tree removal/relocation permits—Exceptions. | 78 |
| Sec. 12-153. - Tree removal/relocation permit applications. | 81 |
| Sec. 12-154. - Tree removal/relocation criteria. | 82 |
| Sec. 12-155. - Tree relocation. | 83 |
| Sec. 12-156. - Tree replacement and relocation. | 84 |
| Sec. 12-157. - General relocation and replacement conditions. | 85 |
| Sec. 12-158. - Maintenance and monitoring. | 85 |
| Sec. 12-159. - Mitigation via tree preservation fund. | 85 |
| Sec. 12-160. - Specimen trees. | 86 |
| Sec. 12-161. - Bond requirements. | 86 |
| Sec. 12-162. - Protection from construction work. | 86 |
| Sec. 12-163. - Tree preservation fund. | 87 |
| Sec. 12-164. - Administrative appeals procedure. | 87 |
| Division 4. Clearing and grubbing of land. | 91 |
| Sec. 12-170. - Purpose. | 92 |
| Sec. 12-171. - Applicability. | 92 |
| Sec. 12-172. - (Reserved). | 92 |
| Sec. 12-173. - Permit—Required. | 92 |
| Sec. 12-174. - Permit—Exemptions. | 93 |
| Sec. 12-175. - Permit—Application. | 93 |
| Sec. 12-176. - Requirements for wildlife protection prior to land clearing. | 94 |
| Sec. 12-177. - Rare species. | 96 |

| | |
|--|-----|
| ARTICLE VII. - PARKING | 98 |
| Sec. 12-205. - Functional elements of on-site circulation system. | 98 |
| DIVISION 3. - AMOUNT OF OFF-STREET PARKING | 103 |
| Sec. 12-208. - Requirements for off-street parking. | 103 |
| ARTICLE VIII. - SIGNS, LIGHTING | 106 |
| DIVISION 1. - SIGNS | 106 |
| Sec. 12-237.6. - Definitions. | 106 |
| Sec. 12-238. - General regulations. | 109 |
| Sec. 12-239. - Sign lighting and illumination. | 113 |
| Sec. 12-240. - Signs in shopping centers and office and industrial parks. | 114 |
| Sec. 12-243. - Other sign standards. | 116 |
| DIVISION 2. - LIGHTING | 120 |
| Sec. 12-260. - Lighting standards. | 120 |
| ARTICLE X. - PLANNING AND DEVELOPMENT | 122 |
| Sec. 12-306. - Processing. | 123 |
| DIVISION 3. - (Reserved) | 124 |
| DIVISION 7. - PUBLIC PARTICIPATION | 126 |
| Sec. 12-319.6. - Application and requirements. | 126 |
| ARTICLE XI. - PUBLIC IMPROVEMENTS AND CONCURRENCY DETERMINATIONS | |
| | 126 |
| Sec. 12-340. - Development review requirements for site plans and plats. | 127 |
| ARTICLE XII. - SUBDIVISIONS AND SITE PLANS | 127 |
| Sec. 12-369. - Projects excluded from site plan review. | 127 |
| Sec. 12-371. - Site plan review. | 128 |
| Sec. 12-372. - Site plan submission requirements. | 128 |
| Sec. 12-374. - Modification of site plan. | 130 |
| Sec. 12-438.15. - Supplemental regulations. | 132 |
| ARTICLE XIV. - DEFINITIONS ^[19] | 133 |
| Sec. 12-503. - Definitions. | 133 |

ARTICLE III. - USE REGULATIONS³¹

DIVISION 1. PERMITTED USES

Sec. 12-32. - Permitted uses.

The tables set forth in this section indicate the permitted uses for each district. Where possible, the tables identify uses which have specific standards, such as minimum lot sizes or special setback requirements. All uses, however, are subject to the general and specific provisions of this article. The meaning of the table notations is as follows:

P = Permitted use in the district

N = Not a permitted use in the district

* = Conditionally permitted subject to the specific standards set forth in section 12-34.

The town administrator or his or her designee shall have the discretion to permit uses which are not specifically listed but which are similar in nature to those expressly permitted.

(A) Residential Districts:

RESIDENTIAL DISTRICTS

| Permitted Uses | RR | AG | S | A-1 | R-1 | R-2—5 | RM-5 | RM-8—22 | MH-1—10 |
|-----------------------------------|----|----|----|-----|-----|-------|------|---------|---------|
| Agricultural Uses | * | * | N | * | * | N | N | N | N |
| Airports | N* | N* | N* | N* | N* | N* | N* | N* | N* |
| Animal Hospital | * | * | N | * | N | N | N | N | N |
| Animal Kennel | * | * | N | * | N | N | N | N | N |
| Dwellings, Mobile Home | N | N | N | N | N | N | N | N | * |
| Dwellings, Multiple-family | N | N | P | N | N | N | P | P | N |
| Dwellings, Single Family Attached | N | N | P | N | N | N | P | P | N |
| Dwellings, Single Family Detached | P | P | P | P | P | P | N | N | N |
| Dwellings, Semi-detached | N | N | P | N | N | N | P | P | N |
| Equestrian Facilities | * | * | N | * | * | N | N | N | N |
| Family Day Care Home | * | * | * | * | * | * | * | * | * |
| Farms | * | * | N | * | * | * | * | * | * |
| Guest Cottage | P | P | N | P | P | N | N | N | N |

| Permitted Uses | RR | AG | S | A-1 | R-1 | R-2—5 | RM-5 | RM-8—22 | MH-1—10 |
|-------------------------------------|----|----|---|-----|-----|-------|------|---------|---------|
| Home Occupation | * | * | * | * | * | * | * | * | * |
| Recreational Facilities (accessory) | * | * | * | * | * | * | * | * | * |
| Special Residential Facilities | * | * | * | * | * | * | * | * | * |
| Student Rental Housing | N | N | N | N | N | N | N | N | N |
| Watchman's Quarters | * | * | N | * | N | N | N | N | N |

(B) Commercial, Office and Business Districts:

~~COMMERCIAL, OFFICE AND BUSINESS DISTRICTS~~

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Addiction Treatment Center | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>*</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Adult Arcade Amusement Center | N | N | * | N | N | N | N | N | N |
| Agricultural Use | * | * | * | * | N | * | N | * | N |
| Airports | N* |
| Amusement Parks | N | N | N | N | N | N | N | N | N |
| Animal Hospital | * | * | * | N | N | N | * | N | N |
| Animal Kennel | N | N | N | N | N | N | P | N | N |
| Antique, Crafts Shops | P | P | P | N | N | N | N | N | N |

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|-----------------------------|----------|----------|----------|---|----|----|----|----|------|
| Athletic/Health Clubs, Gyms | N | P | P | N | P | * | P | N | N |
| Art Gallery | P | P | P | P | P | N | N | N | N |
| Auction House | N | * | * | N | N | N | * | N | N |
| Banks, Financial | P | P | P | P | P | P | N | * | N |
| Bakery, Delicatessen | P | P | P | N | P | * | P | N | N |
| Barber, Beauty Shops | P | P | P | N | P | * | P | N | N |
| Bars, Lounges | N | * | * | N | * | * | * | N | N |
| Bingo Establishments | N | P | P | N | N | N | P | N | N |
| Boat Yards | N | N | N | N | N | N | P | N | N |
| Bookstores, Newsstand | P | P | P | N | P | * | P | N | N |
| Botanical Gardens | N | N | N | N | P | N | P | N | N |
| Bottled Fuel | N | N | N | N | N | N | P | N | N |
| Bowling, Skating | N | P | P | N | N | N | P | N | N |
| Cabinet/Carpentry Shops | N | N | N | N | N | N | * | N | N |
| Car Wash | N | P | P | N | N | N | P | N | N |
| Catering (Food) | N | P | P | N | N | P | P | N | N |
| Communication Apparatus | * | * | * | * | * | * | * | * | N |
| Contractor, office only | P | P | P | P | N | P | P | P | N |
| Convenience Stores | P | P | P | N | * | N | P | N | N |

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|---------------------------------------|----------|----------|----------|---|----|----|----|----|------|
| Dance Halls, Clubs | N | P | P | N | P | N | P | N | N |
| Distribution Facilities | N | N | N | N | N | N | P | N | N |
| Dry Cleaning | * | * | * | N | N | * | P | N | N |
| Education, K—12 | N | N | N | N | N | N | N | N | N |
| Education, adult public or non-profit | N | * | * | * | * | * | * | N | N |
| Education, adult for-profit | N | * | * | * | * | * | * | N | N |
| Farms | * | * | * | * | * | * | * | * | N |
| Florist, Plant Shop | P | P | P | N | P | * | P | N | N |
| Game Room, Arcade | N | P | P | N | N | N | P | N | N |
| Gift Shops | P | P | P | N | N | * | P | N | N |
| Golf Courses | N | P | P | N | P | N | N | N | N |
| Home Occupation | N | N | N | N | N | N | N | * | N |
| Hotels, Motels | N | N | * | N | P | * | N | N | N |
| Laboratories | N | N | N | P | P | P | P | N | N |
| Landscape Maintenance Contractors | N | N | N | N | N | N | P | N | N |
| Light Fabrication | N | N | N | P | N | P | P | N | N |
| Machine Shop | N | N | N | N | N | * | P | N | N |
| Marina | N | N | N | N | N | N | N | N | * |
| Medical Clinic, Doctor's Office | N | P | P | P | N | P | N | P | N |

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|---------------------------------|----------|----------|----------|---|----|----|----|----|------|
| Micro-brewery, micro-distillery | N | N | N | N | N | * | N | N | N |
| Mini Warehouse/Self Storage | N | N | N | N | N | * | * | N | N |
| Mobile Home Sales | N | * | * | N | N | N | P | N | N |
| Mortuary | P | P | P | P | P | P | P | N | N |
| Motion Picture Studio | N | N | N | N | N | P | P | N | N |
| Motor Fuel Pumps | N | * | * | N | * | N | * | N | N |
| Motorcycle Shop | N | N | * | N | N | N | N | N | N |
| Movers | N | N | N | N | N | N | P | N | N |
| Movie Theater, Performing Arts | N | P | P | N | P | N | N | N | N |
| Night Clubs | N | * | * | N | * | * | * | N | N |
| Nursery, Child Care Facility | * | * | * | N | * | * | N | P | N |
| Office | P | P | P | P | P | P | P | P | N |
| Office Equipment Sales | N | P | P | N | P | * | P | N | N |
| Parking Lot, Rental | N | P | P | N | * | N | N | N | N |
| Pawnshop | N | N | * | N | N | N | * | N | N |
| Personal Services | P | P | P | N | P | * | P | N | N |
| Pet Store | N | N | N | N | N | N | N | N | N |
| Pharmacy | N | P | P | N | P | * | P | N | N |
| Photographic Studio | P | P | P | N | P | P | P | N | N |

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|--|----------|----------|----------|---|----|----|----|----|------|
| Place of Public Assembly | N | * | * | N | * | * | * | N | N |
| Plant Nursery | P | P | P | P | P | N | P | P | N |
| Pool Rooms | N | P | P | N | N | N | P | N | N |
| Printer | N | P | P | N | P | P | P | N | N |
| Radio or TV Station | N | N | N | N | N | P | P | N | N |
| Real Estate Office | P | P | P | P | * | P | P | P | N |
| Repair Shop, Except Vehicle or Boat Repair | N | P | P | N | N | N | P | N | N |
| Research Facilities | N | N | N | P | P | P | P | N | N |
| Residential Uses | * | N | * | N | * | * | * | * | N |
| Restaurants, Fast Food | N | P | P | N | P | N | P | N | N |
| Restaurant, Other | * | P | P | N | P | * | * | N | N |
| Retail Sales Other | P | P | P | N | P | * | P | N | N |
| Sales Office | P | P | P | P | P | P | P | P | N |
| Service Stations | N | N | * | N | N | N | * | N | N |
| Sexually Oriented Business | N | N | * | N | N | N | N | N | N |
| Sheet Metal Shop | N | N | N | N | N | * | * | N | N |
| Special Residential Facilities | * | * | * | N | N | N | N | N | N |
| Sports Arena | N | N | N | N | N | N | N | N | N |
| Studios (Art, Music) | P | P | P | N | N | P | P | P | N |

| Permitted Uses | SC & B-1 | WT & B-2 | UC & B-3 | O | FB | CC | C1 | RO | B-2M |
|------------------------------------|----------|----------|----------|---|----|----|----|----|------|
| Tattoo Parlors | N | N | * | N | N | N | N | N | N |
| Vehicle Customizing | N | N | N | N | N | N | P | N | N |
| Vehicle, Boat, Truck, Repair Major | N | N | N | N | N | N | * | N | N |
| Vehicle Repair, Minor | N | * | * | N | N | N | P | N | N |
| Vehicle Towing | N | N | N | N | N | N | * | N | N |
| Vehicle Sales and Rental | N | N | * | N | N | * | * | N | N |
| Warehouse, Storage | N | N | * | N | * | * | * | N | N |
| Watchman's Apartment | * | N | * | N | N | * | * | N | N |
| Wholesale | N | P | P | N | N | P | P | N | N |

(C) Business Park and Industrial:

| BUSINESS PARK AND INDUSTRIAL | | | | |
|--|----|-----|-----|-----|
| Permitted Uses | BP | M-1 | M-2 | M-3 |
| Acid, Explosives | N | N | N | N |
| Airports | N* | N* | N* | N* |
| Animal Kennel | N | * | * | * |
| Auction House | * | N | N | N |
| Business Uses | P | * | * | * |

| Permitted Uses | BP | M-1 | M-2 | M-3 |
|--|----|-----|-----|-----|
| Cement, Concrete, Lime | N | N | P | P |
| Education, adult for profit | * | * | * | * |
| Farms | * | * | * | * |
| Food Processing Facility | N | N | N | P |
| Foundry, Drop Forging | N | N | N | N |
| Gravel, Rock Mining | N | N | N | N |
| Incinerator (Medical, Solid Waste, Biohazardous) | N | N | N | N |
| Landfill/Trash, Garbage Disposal | N | N | N | N |
| Landscape Maintenance Contractor | N | P | P | P |
| Light Manufacturing | P | P | P | P |
| Machine Shop | N | N | P | P |
| Marina | N | N | * | * |
| Medium Manufacturing | * | N | P | P |
| Micro-brewery, micro-distillery | N | * | * | * |
| Mixed Use | N | * | * | * |
| Motor Freight Terminal | N | N | * | * |
| Motorcycle Shop | * | * | * | * |
| Movers | N | P | P | P |
| Office, Professional | P | * | * | * |

| Permitted Uses | BP | M-1 | M-2 | M-3 |
|---|----|-----|-----|-----|
| Pet Store | N | N | N | N |
| Petroleum Storage, Refining, Distribution, etc. | N | N | N | N |
| Recycling, Scrap Metal Processing, and Automobile Wrecking Yard | N | N | N | * |
| Retail Sales | P | * | * | * |
| Sales of Construction Equipment | N | N | P | P |
| Sandblasting | N | N | N | P |
| Sexually Oriented Business | N | N | N | * |
| Slaughter Yards | N | N | N | N |
| Soaps, Detergent, Cleansing Materials Manufacturing | N | N | N | N |
| Stockyards, Rendering, Glue | N | N | N | N |
| Storage Yards | N | N | P | P |
| Taxi Service, Dispatch | N | P | P | P |
| Trash Transfer Station | N | N | N | N |
| Truck Stop | N | N | N | N |
| Vehicle, Boat, Truck, Repair, Major or Minor | N | P | P | P |
| Vehicle Towing/Storage | N | P | P | P |
| Vehicle Sales and Rental | * | * | * | * |
| Warehouse, Storage | * | * | * | * |
| Watchman's Apartment | * | * | * | * |

| | | | | |
|---------------------------------|----|-----|-----|-----|
| Permitted Uses | BP | M-1 | M-2 | M-3 |
| Wholesale | P | P | P | P |
| Yacht Manufacturing and Repairs | N | N | * | N |

(D) Recreational, Community Facilities and Utilities Districts:

| RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS | | | | | |
|--|----|----|-----|----|----|
| Permitted Uses | RS | CR | NCF | CF | U |
| Airports | N* | N* | N* | N* | N* |
| Amusement, Theme Park Stadium | N | N | N | N | N |
| Drive-in Theater | N | N | N | N | N |
| Education, K-12 | N | N | N | * | N |
| Education, adult public or non-profit | N | N | N | * | N |
| Education, adult for-profit | N | N | N | * | N |
| Flood Control | * | N | * | P | * |
| Governmental Buildings/Municipal Public Service Uses | N | N | N | P | P |
| Hospitals | N | N | N | P | N |
| Hotel, Motel | N | * | N | N | N |
| Incinerator (Medical, Solid Waste, Biohazardous) | N | N | N | N | N |
| Landfill/Trash, Garbage Disposal | N | N | N | N | N |

| | | | | | |
|---------------------------------|----|----|-----|----|---|
| Permitted Uses | RS | CR | NCF | CF | U |
| Libraries, Museums | * | * | N | P | N |
| Mausoleums, Cemeteries | N | N | N | P | N |
| Nursery, Day Care, Preschool | N | N | * | * | N |
| Place of Public Assembly | * | N | N | * | N |
| Prisons, Jails, Detention | N | N | N | N | N |
| Power Plant, Substation | N | N | N | N | P |
| Public Park | P | P | P | P | P |
| Public Utility Maintenance Yard | N | N | N | N | P |
| Commercial Recreation | N | P | N | N | N |
| Special Residential Facilities | N | N | * | * | N |
| Solid Waste Transfer Site | N | N | N | N | P |
| Telecommunications Towers | * | * | * | * | * |
| Storage Yards | N | N | N | N | N |
| Waste Facilities | N | N | N | N | N |
| Watchman's Apartment | N | N | * | * | N |
| Water, Wastewater Treatment | N | N | N | N | P |

DIVISION 2. - GENERAL REGULATIONS

Sec. 12-33. - General regulations.

(A) Accessory Uses and Structures:

- (1) Reserved.
- (2) Reserved.
- (3) Reserved.
- (4) Reserved.
- (5) Reserved.
- (6) Reserved.
- (7) Reserved.
- (8) Reserved.
- (9) Guest house or cottage.
 - (a) A guest house or cottage is limited to a total maximum area of four hundred (400) square feet, exclusive of any patios, decks or screen porches. Such structure shall not contain or be designed to contain food storage, processing, handling or preparation areas or equipment, including, but not limited to, stoves, ovens, refrigerators, dishwashers, sinks, and disposals. In addition, such structure shall not contain, or be designed to contain, washing machines or clothes dryers.
 - (b) Reserved.
- (10) Reserved.

~~(11) Residential portable storage units for on-site storage.~~

- ~~(a) There shall be no more than one (1) portable storage unit per site no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high. No portable storage unit shall remain on a site in excess of thirty (30) consecutive days, and shall not be placed on a site in excess of thirty (30) days in any calendar year. An application for one (1) thirty-day extension may be granted if a building permit for work being done on the site has been secured and maintained. It shall be unlawful for any person to place, or permit the placement of any portable storage unit(s) on a site in which they own, rent, occupy, or control without first having obtained a building permit. Portable storage units shall generally be placed only in a driveway unless the rear of the site is readily accessible. If the development services director, or designee, determines that there is no driveway available for placement of a portable storage unit and the rear of the site is not readily accessible, then the portable storage unit may be placed in a front yard as long as the location does not obstruct the free, convenient, and normal use of any easement dedicated for use by the public. The issuance of a permit shall allow the applicant to place a portable storage unit on a property in conformance with the requirements of this chapter. The permit shall be posted in plain view at the site. Placement of a portable storage unit on any non-residential site shall be through the temporary use permit procedure of Article XI, Division 6.~~
- ~~(b) Prior to commencing business in the town, the portable storage company must obtain a Town of Davie Business Tax. Additionally, the portable storage company must provide a cash bond or letter of credit to ensure the timely removal of the portable storage units and compliance with this chapter.~~
- ~~(c) Notwithstanding the time limitations set forth herein, all portable storage units shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency. If the development services director, or designee, determines that an emergency, other than a hurricane warning by a recognized government agency, provides sufficient cause to exceed or reduce the time limitations which would otherwise apply, the development services director, or designee, may allow a portable storage unit to remain at a site for period in excess of such time limitations, or may also order immediate removal of the portable storage unit.~~

~~(d) Maintenance and prohibition of hazardous materials. The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discolorations, rust, ripping, tearing, or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances shall be stored or kept within the portable storage unit.~~

(11) Portable storage units for residential uses.

(a) For purposes of this paragraph (11), "portable storage unit" means a container no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high which is designed for temporary storage associated with a single family residential use, which is not permanently affixed to the ground and which easily transported by truck.

(b) Portable storage units shall be allowed only as follows:

a. Location: Limited to lots having a single family detached dwelling with an approved Certificate of Occupancy. Portable storage units shall be placed only in a driveway or other paved surface within the lot while maintaining all required clear sight triangles. Upon a showing of good cause, the Town Administrator or designee may approve, in writing, an alternate location which does not negatively impact trees or required landscaping or obstruct the free, convenient, and normal use of any easement.

b. Number: Maximum of one (1) portable storage unit per lot.

c. Term: Maximum thirty (30) calendar days per calendar year, whether consecutive or non-consecutive.

d. Display of ownership: If rented or leased, the portable storage unit shall display the name, address and phone number of the rental or leasing company.

e. Maintenance and prohibition of hazardous materials: The landowner shall be responsible for ensuring that the portable storage unit is in good condition, free from graffiti and evidence of deterioration, weathering, discolorations, rust, ripping, tearing, or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances shall be stored or kept within the portable storage unit which exceed those allowed within a single family residential dwelling.

f. Removal: Notwithstanding the time limitations set forth herein, the Town Administrator or designee may direct the removal of portable storage units upon the declaration of a hurricane warning or similar event.

(c) All other portable storage units. Placement of a portable storage unit other than as set forth in paragraph (b), above, shall require Site Plan approval pursuant to Article XII or a Temporary Use Permit pursuant to Article X, Division 6.

(d) Homeowners associations. Landowners considering placement of a portable storage unit are encouraged to ensure compliance with the requirements of any applicable homeowner association.

(JJ) Dumpster enclosures design standards. Dumpster enclosures are encouraged to be designed into principal building(s). Outside enclosures shall be constructed of concrete walls six (6) feet to eight (8) feet in height. The height of each outside enclosure shall be six (6) inches greater than the highest part of any garbage receptacle therein. The exterior faces of the walls shall be consistent with the architecture of the principal building. The interior faces of the walls shall be finished with stucco and

Painted a neutral color. Outside enclosure location shall be exclusive of all required landscape buffers, and shall not be located in such a manner that service vehicles will block any intersection during the emptying process. Enclosures shall have gates designed to meet the Crime Prevention Through Environmental Design (CPTED) guidelines. (See Figure 1)

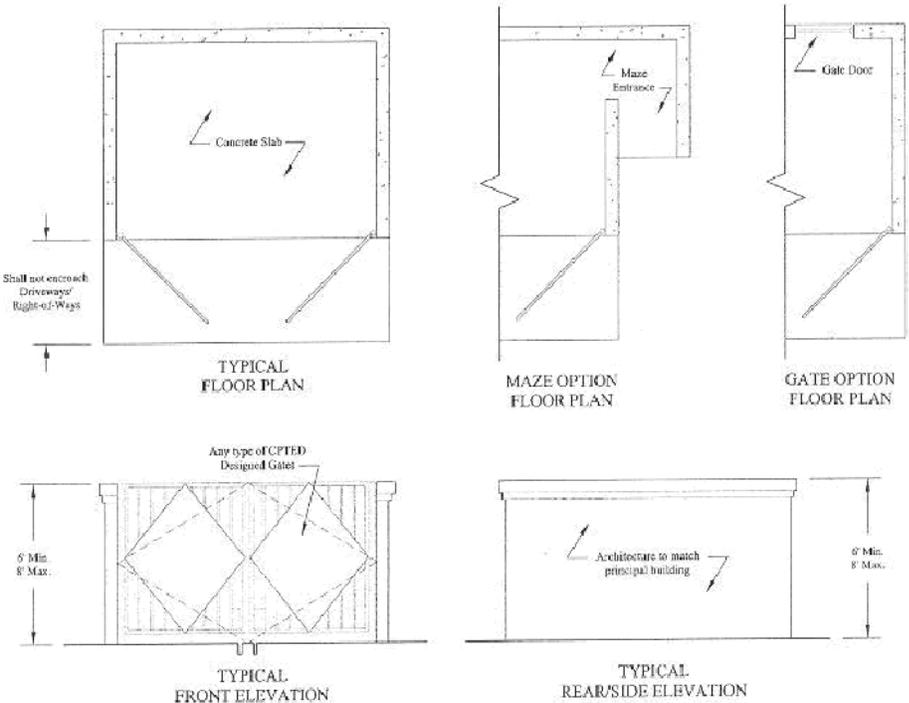


Figure 1: Dumpster Details

DIVISION 3. - STANDARDS FOR SPECIFIC USES^[4]

Sec. 12-34. - Standards for specific uses.

In addition to compliance with other regulations imposed by this chapter, the following standards are required of the specific uses enumerated below:

(E) Child Care, Day Nursery, Day Care Facilities:

- ~~(1) All child care centers, day nurseries, preschools and other similar facilities (exclusive of family day care homes) shall be designed to accommodate an outdoor play area that is separated and buffered from off-street parking areas, drive aisles, and roadways and alleys. All such facilities shall provide a designated drop-off/pick-up area to facilitate safe access to and from the entrance of the center.~~
- ~~(2) In the NCF district, no child care or day care facility shall be designed to accommodate more than twenty five (25) children.~~
- ~~(3) Compliance with the above requirements shall be demonstrated during the site plan review process.~~
- (1) Development review procedures.

- (a) Traffic review required. In addition to any other application requirements, the applicant for any Child Care, Day Nursery, Day Care facility shall submit a traffic study which shall include: an analysis of traffic impact on the surrounding areas during the a.m. and p.m. peak hours; site circulation, pick-up and drop-off locations and the need for traffic control devices. The scope and methodology of the traffic analysis must be approved by the town administrator or his or her designee prior to the submittal of the application.
 - (b) Town council approval required. Town council approval is required for any new Child Care, Day Nursery, Day Care facility, whether the facility is new construction or a change of occupancy to an existing building or site.
 - (2) Development and use standards.
 - (a) Fencing. A fence or wall a minimum of five (5) and a maximum of six (6) feet in height shall be provided around the perimeter of the school site with lockable gates at all pedestrian and vehicular access points. Fencing must be decorative, picket style except that chain-link may be provided around recreation/play areas and around electrical or mechanical equipment.
 - (b) Paving, marking and accessibility. All internal walks, roads, driveways, and parking areas shall be paved.
 - (c) Site access and internal circulation. Site access shall consist of at least one (1) primary access road and a secondary means of access to be used in the event that the primary road is blocked. At a minimum, the following requirements shall apply to site access design:
 - 1. Vehicular and pedestrian traffic shall not cross each other within the site unless approved safety devices are provided where vehicular and pedestrian traffic cross.
 - 2. Parking aisles shall not be utilized for vehicular stacking of pick-up and drop-off areas.
 - (3) Setbacks. Building setbacks from the property line shall, at a minimum, be twenty-five (25) feet. When a Child Care, Day Nursery, Day Care site abuts a property zoned for residential use, the minimum building setback from the property line adjacent to the residentially-zoned parcel shall be seventy-five (75) feet.
 - (4) Outdoor play areas.
 - a. The minimum amount of outdoor play area shall be twenty five (25) square feet times the maximum number of children allowed by the Broward County child care license.
 - b. Required outdoor play areas shall be located on the same lot and shall not require children to cross public streets. Play areas within 25 feet of a collector or higher street right-of-way shall be protected by a concrete knee wall, bollards or similar structural barrier as determined by the Town Engineer.
 - (5) Multiple story buildings. Child Care, Day Nursery, Day Care facilities shall be located only on the ground floor of a building.
 - (6) In the NCF district, Child Care, Day Nursery, Day Care facilities shall be limited to a total of 25 children.
- (V) Residential Office (RO) District: ~~Professional and business offices in the RO district shall be constructed and maintained to resemble a residential structure. Offices may not consume more than fifty (50) percent of a mixed use structure.~~

~~(1) Drive-thru windows, including vehicular stacking lanes, are prohibited except in the rear yard and window or stacking lanes shall be visually screened from the public right-of-way.~~

~~[(2) Reserved.]~~

(1) Residential buildings constructed within the RO district shall be limited to the following styles: single-family detached dwellings, duplex dwellings and townhouse dwellings.

(2) All buildings constructed in the RO district for non-residential uses or for a mix of residential and non-residential uses shall be limited as follows:

(a) Maximum of 2,500 square feet per building.

(b) All parking shall be located behind the front building façade line.

(c) Each building shall be designed to resemble a single-family detached dwelling. At a minimum, each building shall have a peak roof (e.g., hip or gable), front-facing windows and a single, prominent front entry door with covered entrance.

(Z) Special Residential Facilities:

(1) Definitions.

(a) Special residential facility, Category 1, is a housing facility, sometimes referred to as a group home, which is licensed by the State of Florida Department of Elderly Affairs, Agency for Persons with Disabilities, Department of Juvenile Justice, Department of Children and Family Services or the Agency for Health Care Administration, for no more than six (6) individuals who require treatment, care, rehabilitation or education. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training.

(b) Special residential facility, Category 2, is a housing facility which is licensed by the State of Florida for ~~nine (9)~~seven (7) to fourteen (14) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environmental including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one (1) kitchen within the housing facility. There may be more than one (1) residential care facilities, Category 2, on a particular parcel of land.

(c) Special residential facility, Category 3, is a housing facility which is not a residential care facility, Category 1 or 2 and which meets one (1) of the following below:

1. Any housing facility licensed by the State of Florida for more than fourteen (14) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others;

2. Any housing facility licensed by the State of Florida for more than ~~eight (8)~~six (6) unrelated elderly individuals;

3. Government subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others;
 4. Any not-for-profit housing facility for unrelated elderly individuals; or
 5. Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.
- (2) Development standards.
- (a) Density calculations.
 1. Each Category 1 facility is considered 1 dwelling unit.
 2. Each Category 2 facility is considered 2 dwelling units.
 3. For a Category 3 facility, each sleeping room shall be counted as 0.5 dwelling units. A sleeping room shall be designed to accommodate no more than two (2) individuals.
 - (b) Permitted districts. Special residential facilities, including amenities and accessory uses and structures customarily incidental and subordinate to such facilities, shall be allowed in zoning districts as follows:
 1. Category 1 facilities: Allowed in any zoning district in which residential dwelling units are permitted.
 2. Category 2 facilities: Allowed in RR, AG, S, A-1, R-1 through R-5, all RM districts and NCF, CF and PCF districts. Allowed in any Regional Activity Center or Griffin Road Corridor district in which residential uses are allowed.
 3. Category 3 facilities:
 - a. Category 3 facilities owned or operated by a governmental agency or a charitable non-profit corporation are allowed only in CF and PCF districts.
 - b. All other Category 3 facilities are allowed in the Commercial Future Land Use category, the RS-3 district, any RM district, any Regional Activity Center district in which residential uses are allowed, and in any Griffin Road Corridor district in which residential uses are allowed.
 - (c) Separation requirements.
 1. A Category 1 facility shall be at least one thousand (1,000) feet from any other Category 1 facility, as measured in a straight line from the nearest point of the principal building of the establishment to the nearest point of the principal building of another such establishment.
 2. A Category 2 facility shall be at least one thousand two hundred (1,200) feet from any other Category 1, 2 or 3 facility as measured in a straight line from property line to property line and at least five hundred (500) feet from any single-family zoning district, as measured from property line to property line.
 3. A Category 3 facility shall be at least one thousand two hundred (1,200) feet from any other Category 1, 2 or 3 facility as measured in a straight line from property line to property line and at least five hundred (500) feet from any single-family zoning district, as measured from property line to property line.
 4. The separation requirements of paragraphs 1, 2 and 3 above shall not apply to facilities proposed to be located in the NCF, CF or PCF districts.
 - (d) Vehicular access. Primary vehicular access to a Category 3 facility shall be directly from an arterial road or expressway (e.g, not a local or collector street). Town council

may approve secondary or emergency access to a collector street provided that such access does not result in travel on local roads through residential areas.

(e) Change of occupancy classification. No building originally constructed or used for residential purposes shall be converted or occupied as any type of special residential facility (Category 1, 2 or 3) prior to issuance of a new Town Certificate of Occupancy consistent with the intended use. All special residential facilities (Category 1, 2 or 3) shall be considered "places of public accommodation" for purposes of determining accessibility requirements and all necessary accessibility improvements shall be installed in the same manner as new construction.

- (3) Site approval process.
 - (a) Category 1 facilities. Per Florida Statute, the sponsoring agency must notify the town administrator in writing at the time of occupancy that the home is licensed by the Florida Department of Health and Rehabilitative Services but otherwise such facility shall be considered a non-commercial use, and does not require a business tax receipt or other zoning approval.
 - (b) Category 2 facilities. Per Florida Statute, the sponsoring agency must notify the town administrator of the intention to issue a state license and indicate how the facility meets state requirements. Any new development of a Category 2 facility shall also require site plan approval in accordance with this chapter. When proposed for an area zoned for single or multi-family residential, in addition to any failure to comply with Town Code requirements, the town may deny a facility location for reasons set forth in F.S. § 419.001.
 - (c) Category 3 facilities. Any new development shall require site plan approval in accordance with this chapter. The application shall include information necessary to show how the proposed facility complies with applicable state regulations, including a certificate of need, if applicable.
- (4) Administration of bonus sleeping rooms. As otherwise allowed by Article 5 of the Broward County Administrative Rules Document, the town council may allocate bonus sleeping rooms to a particular parcel of land by resolution where the landowner has filed a plat or plat note amendment indicating the intent to develop a special residential facility. The bonus sleeping rooms allocated by town resolution shall remain with the particular parcel of land until any of the following occur:
 - (a) The landowner abandons the special residential facility project and releases the bonus sleeping rooms in writing.
 - (b) The plat or replat associated with the special residential facility is not recorded within eighteen (18) months after county approval, or in the case of a plat note amendment, the plat note amendment is not approved by the county within eighteen (18) months of town approval.
 - (c) The finding of adequacy for the plat associated with the special residential facility expires.The town council shall have the discretion to reassign any unused bonus sleeping rooms to subsequent applications based on the date of application.
- (5) Existing uses. A lawfully established special residential facility that conformed to the zoning requirements in effect at the time of the initial establishment shall not be considered a nonconforming use or nonconforming structure due to subsequently adopted provisions of this subsection (Z).

(CC) Vehicle Sales and Rental: ~~Vehicle sales and rental means an establishment, as defined by the department of motor vehicles, engaged in the retail or wholesale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicles sales, horse trailers and moving trailer and vehicle rental.~~

(1) Zoning district limitations and use criteria:

(a) B-3 Zoning District:

- (1) Moving truck, maximum two (2) axles, and moving trailer, maximum two (2) axles, rental, accessory. In the B-3 district, limited truck and trailer rental, limited to five (5) vehicles per lot, shall be permitted as an accessory use to an auto service station ~~and~~, subject to site plan approval.
- (2) Automobile sales, new and used. The minimum lot area for automobile sales shall be ~~the minimum of~~ three (3) acres, excluding truck and trailer rental as accessory.
- (3) Truck sales, maximum two (2) axles, new and used. The minimum lot area for truck sales, shall be three (3) acres.
- (4) Motorcycle shop.
 - (a) A special permit approval is required as stated in section 12-308, said mailing shall be measured at the boundaries of the overall parcel. The use must meet all the following criteria:
 1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.
 2. ~~Building or bay must be soundproof where engine repair is performed all repair and installation work shall be conducted within a building with solid wall and roof.~~
 3. ~~Routine vehicle maintenance shall be permitted(Reserved).~~
 4. ~~Installation of parts and accessories shall be permitted only in conjunction with the sale of parts(Reserved).~~
 5. ~~All installation shall be performed inside(Reserved).~~
 6. Said use shall be separated from adjacent residential districts with a minimum eight (8) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in section 12-107(D).
 7. Said use shall be a minimum of one thousand (1,000) linear feet, measured property line to property line, from any other motorcycle shop.
 8. Said use shall be located a minimum of five hundred (500) feet from any residential use, as measured from the tenant bay, lease line, or property line, whichever is more restrictive.

(b) UC Zoning District:

- (1) In the UC Zoning District, vehicle sales and ~~leasing rental~~ shall be prohibited.
- (2) Motorcycle shops ~~shall meet the requirements set forth in section 12-34(CC)(1)(a)(4).~~
 - (a) ~~A special permit approval is required as stated in section 12-308, said mailing shall be measured at the boundaries of the overall parcel. The use must meet all the following criteria:~~

- ~~1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.~~
- ~~2. Building or bay must be soundproof where engine repair is performed.~~
- ~~3. Routine vehicle maintenance shall be permitted.~~
- ~~4. Installation of parts and accessories shall be permitted only in conjunction with the sale of parts.~~
- ~~5. All installation shall be performed inside.~~
- ~~6. Said use shall be separated from adjacent residential districts with a minimum eight (8) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in section 12-107(D).~~
- ~~7. Said use shall be a minimum of one thousand (1,000) linear feet, measured property line to property line, from any other motorcycle shop.~~
- ~~8. Said use shall be located a minimum of five hundred (500) feet from any residential use, as measured from the tenant bay, lease line, or property line, whichever is more restrictive.~~

(c) BP, CC and C1 Zoning Districts:

- (1) Automobile sales, new with used allowed as an accessory use. The sale and display of trucks shall be permitted as an accessory product to the automobile sales facility; provided, however, the trucks sold and displayed consist of no more than two (2) axles and consume no more than fifty (50) percent of sales/display area.
- (2) The minimum lot area for automobile sales shall be ~~the minimum of~~ three (3) acres, excluding moving truck and trailer rental as accessory.
- (3) Motorcycle shops shall meet the requirements set forth in section 12-34(CC)(1)(a)(4).
 - ~~(a) A special permit approval is required as stated in section 12-308, said mailing shall be measured at the boundaries of the overall parcel. The use must meet all the following criteria:~~
 - ~~1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.~~
 - ~~2. Building or bay must be soundproof where engine repair is performed.~~
 - ~~3. Routine vehicle maintenance shall be permitted.~~
 - ~~4. Installation of parts and accessories shall be permitted only in conjunction with the sale of parts.~~
 - ~~5. All installation shall be performed inside.~~
 - ~~6. Said use shall be separated from adjacent residential districts with a minimum eight (8) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in section 12-107(D).~~
 - ~~7. Said use shall be a minimum of one thousand (1,000) linear feet, measured property line to property line, from any other motorcycle shop when within one thousand (1,000) feet of any residential zoning, land use, or use.~~

~~8. Said use shall be located a minimum of five hundred (500) feet from any residential use, as measured from the tenant bay, lease line, or property line, whichever is more restrictive.~~

(d) M-1, M-2, M-3 Zoning Districts:

- (1) Automobile sales, new and used.
- (2) Truck and trailer rental.
- (3) Truck sales, new and used.
- (4) Mobile home, manufactured housing, recreational vehicle sales and rental, and horse trailers, new and used.
- (5) Boat sales and rentals, new and used.

~~(6) Indoor vehicle showrooms shall be allowed, subject to the following:~~

- ~~a. Floor area. The indoor vehicle showroom shall not exceed twenty thousand (20,000) square feet and shall be limited to ten (10) display vehicles.~~
- ~~b. Parking. Vehicles for sale or lease shall not be parked or displayed outside the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required parking areas and shall not be stored on-site.~~
- ~~c. Maintenance and repair. Maintenance, repair, paint or detailing shall not occur on-site.~~
- ~~d. Vehicles. Display of vehicles for sale and lease shall be limited to custom, special order, and antique cars.~~

(6) Moving truck, maximum two (2) axles, and moving trailer, maximum two (2) axles, rental, accessory. In the M-1, M-2 and M-3 district, limited truck and trailer rental, limited to five (5) vehicles per lot, shall be permitted as an accessory use to an auto service station and subject to site plan approval.

(7) The minimum lot area for vehicle sales and rental uses shall be three (3) acres, excluding moving truck and trailer rental as accessory.

(7) Motorcycle shops shall meet the requirements set forth in section 12-34(CC)(1)(a)(4) except that a special permit is not required.

~~(a) In the industrial zoning districts, a special permit shall not be required. The following criteria shall all be met:~~

- ~~1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.~~
- ~~2. Building or bay must be soundproof where engine repair is performed.~~
- ~~3. Routine vehicle maintenance shall be permitted.~~
- ~~4. Installation of parts and accessories shall be permitted only in conjunction with the sale of parts.~~
- ~~5. All installation shall be performed inside.~~
- ~~6. Said use shall be separated from adjacent residential districts with a minimum eight (8) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in section 12-107(D).~~
- ~~7. Said use shall be a minimum of one thousand (1,000) linear feet, measured property line to property line, from any other motorcycle shop.~~

~~8. Said use shall be located a minimum of five hundred (500) feet from any residential use, as measured from the tenant bay, lease line, or property line, whichever is more restrictive.~~

- (2) Additional development standards for vehicle sales and rental establishments.
- (a) Accessory repairs and part sales. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least five hundred (500) feet from any residential use or residential land use plan designation or zoning district boundary. Service bay doors shall not be oriented toward any adjacent property in a residential district, or oriented toward any adjacent public street. There shall be no outdoor repair of vehicles. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
 - (b) Sales office. The minimum size of all sales offices shall be two thousand (2,000) square feet in the B-3, CC, C-1 and BP districts and one thousand (1,000) square feet in the M-1, M-2 and M-3 districts. No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes.
 - (c) Car wash. If any accessory car wash facility is installed on site, it shall use a water recycling system.
 - (d) Loudspeakers. No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
 - (e) Unloading space. The development shall include an area on site to unload vehicles from car carriers. This area shall be a minimum of fifteen (15) feet wide and sixty (60) feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation and shall not be adjacent to any residential use or residential land use plan designation or zoning district boundary. The unloading area shall be located a minimum of two hundred fifty (250) feet from any from any residential use or residential land use plan designation or zoning district boundary.
 - (f) Parking. Motor vehicle display, sales, rental and storage shall be permitted subject to the following:
 - (1) Storage. Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stall, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required. Parking for vehicle storage, sales, or display shall not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.
 - (2) Display. If a specialized vehicular area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the department services director.
 - (3) Vehicles. No vehicles shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated above two (2) feet.
 - (4) Customer parking. Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space.
 - (5) Security. When the facility is not open, the parking area shall be locked and gated.
 - (g) Operating condition. No vehicles, other than for customers and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. Motorcycles, auto, truck, boat, mobile home, and recreational

vehicles shall be maintained in a safe operating condition at all times. If in a used condition, they shall have a current valid license plate.

- (h) Lighting. All light poles within two hundred fifty (250) feet of any residential land use plan designation or zoning district boundary shall be limited to a maximum height of twenty-five (25) feet to the top of the luminaire.
- (i) Landscaping. A minimum landscape buffer of fifty (50) feet shall be required for all vehicle sales and rental adjacent to any residential use or residential land use plan designation or zoning district boundary. Such landscape buffer shall consist of shall contain one (1) fourteen (14) to sixteen (16) foot canopy tree for each thirty (30) linear feet or fraction thereof of property line, one (1) accent tree shall be required every fifty (50) linear feet or fraction thereof of property line, and a continuous row of hedges shall be installed. In addition, a minimum eight (8) foot high wall shall be provided when adjacent to any residential use or residential land use plan designation or zoning district boundary.

(MM) Education K-12.

1. Applicability. The provisions of this subsection (MM) shall not apply within the RAC-AV district. The provisions of paragraph 2, below shall apply to all new K-12 schools proposed after September 1, 2012, and to all existing K-12 schools existing as of September 1, 2012, wherever new classroom buildings are proposed, wherever existing space is converted to classroom space, or wherever new driveway connections are proposed to a public street. The provisions of paragraph 3 shall apply to all new K-12 schools proposed after September 1, 2012, except where the school is subject to the state requirement for educational facilities.
2. Development review procedures.
 - (a) Traffic review required. In addition to any other application requirements, the applicant for any kindergarten through 12th grade school shall submit a traffic study for the proposed school which shall include: an analysis of school traffic on the surrounding areas during the a.m. and p.m. peak hours; site circulation; school bus driveways, pick-up and drop-off locations; parent pick-up and drop-off locations and the need for traffic control devices and school zones. The scope and methodology of the traffic analysis must be approved by the town administrator or his or her designee prior to the submittal of the application.
 - (b) Town council approval required. Town council approval is required for any new kindergarten through 12th grade school, whether the school is new construction or a change of occupancy to an existing building or site.
3. Development and use standards.
 - (a) Fencing. A fence or wall a minimum of five (5) and a maximum of six (6) feet in height shall be provided around the perimeter of the school site with lockable gates at all pedestrian and vehicular access points. Fencing must be decorative, picket style except that chain-link may be provided around recreation/play areas and around electrical or mechanical equipment.
 - (b) Paving, marking and accessibility. All internal walks, roads, driveways, and parking areas shall be paved.
 - (c) Covered walkways. All buildings intended for occupancy by students shall be connected by paved walks under continuous roof cover. The design of the roof cover shall be compatible with the architecture of the buildings.
 - (d) Internal access. Accessible walkways shall be provided, and shall connect building entrance(s) to accessible parking areas, public streets, sidewalks, loading and drop-off zones, playgrounds and other facilities within the school site. All such walkways shall have positive drainage.

- (e) Site access and internal circulation. Site access shall consist of at least one (1) primary access road and a secondary means of access to be used in the event that the primary road is blocked. At a minimum, the following requirements shall apply to site access design:
 - (1) In order to ensure student access to recreation/play areas without crossing vehicle traffic, driveways shall not completely encircle a building intended for occupancy by students. Vehicular and pedestrian traffic shall not cross each other within the site unless approved safety devices are provided where vehicular and pedestrian traffic cross. Driveways should be designed so that bus driveways and parent vehicle pick-up areas are separated.
 - (2) Decorative bollards shall be used for the protection of pedestrians and structures from vehicles.
 - (3) Parking aisles shall not be utilized for vehicular stacking of pick-up and drop-off areas.
- (f) Bus driveways. The site plan shall identify the internal driveways necessary to accommodate busses. Bus driveways shall be a minimum of twenty-four (24) feet in width and shall be designed so as not to require busses to back up to complete pick-up or drop-off operations or allow other vehicles to back up into a bus driveway.
- (g) Lighting.
 - (1) Exterior security lighting shall be provided for the following areas of the school site, to ensure safety when the facility is occupied after dark: vehicle, bus and service drives; loading areas; parking areas; building perimeters; and covered and connector walks between buildings and parking areas.
 - (2) Parking areas, covered and connector walks, and parking area entrances/exits shall be illuminated to the minimum number of average maintained horizontal footcandles, measured at the surface with a uniformity ratio of 2:1, as follows:
 - a. Parking areas: one (1) footcandle.
 - b. Covered and connector walks: one (1) footcandle.
 - c. Parking area entrances/exits: two (2) footcandles.
 - (3) Building exteriors, perimeters, and entrances shall be illuminated to the minimum number of average maintained horizontal footcandles, measured at the surface with a uniformity ratio of 2:1, as follows:
 - a. Building entrances: five (5) footcandles.
 - b. Building perimeters: one (1) footcandle.
- (h) Setbacks. Building setbacks from the property line shall, at a minimum, be twenty-five (25) feet. When a school site abuts a property zoned for residential use, the minimum building setback from the property line adjacent to the residentially-zoned parcel shall be seventy-five (75) feet.
- (i) Recreation and play areas. Playgrounds, play equipment and athletic fields shall comply with the following minimum requirements:
 - (1) Kindergarten play areas shall be fenced separately from other play areas and shall be directly accessed from the kindergarten classrooms.
 - (2) Direct access from the related school buildings shall be provided to play areas and athletic fields without crossing vehicular traffic on public roads.
- (j) Locational standards.

(1) Where a K-12 school will be located within 1,200ft. of the intersection of an existing or planned arterial or collector road (or any combination of same) such intersection must be fully signalized in all directions and include pedestrian crossing signals. Such facilities must be in place prior to issuance of a certificate of occupancy for a K-12 school.

(2) Buildings, recreational areas, playgrounds and other areas used by students shall not be located within a high-voltage power transmission line right-of-way.

(k) Multiple story buildings. Classrooms and other student activity areas for K-8 students shall be located only on the ground floor of a building.

(QQ) B-2M District uses.

(1) In the B-2M district, marinas are permitted pursuant to site plan approval provided that:

- (a) The following uses are prohibited: Commercial seafood offloading operations, liveaboards, fuel sales, boat or personal watercraft rental, salvage operations, boat manufacturing ~~and major or manufacturing of any kind~~, hull repair and engine repair.
- (b) Any retail sales shall be incidental to the marina use itself.
- (c) Boats need not be screened but all other outdoor storage areas shall be enclosed by an opaque fence or wall at least six (6) feet in height.
- (d) Boats stored outside of an enclosed building shall be in operable condition. Work on boats shall be limited to cleaning and installation of electronics, carpeting, furnishings and similar components. Work shall not involve hull painting, refinishing or fiberglass repair of any kind.
- (e) ~~All manufacturing and repair work shall follow the "Best Management Practices for Marine Facilities" published by Broward County(Reserved).~~
- (f) Residential buildings lawfully established prior to September 1, 2014, shall be considered conforming uses and may be modified or expanded consistent with the development standards for the B-2M zoning district.
- (g) After September 1, 2014, new residential dwelling units may only be approved by way of a special permit pursuant to article X of this chapter.

(TT) Treatment Centers.

(1) For purposes of this paragraph (TT), Addiction Treatment Center means any outpatient service (not involving overnight stays), providing diagnostic or therapeutic services for alcoholism, drug abuse, or similar conditions. A doctor's office, medical clinic or hospital having a floor area of more than 5,000 sq. ft., which provides or therapeutic services for alcoholism, drug abuse, or similar conditions as part of a larger practice shall not be considered to be n Addiction Treatment Center.

(2) An Addiction Treatment Center shall be located only within a freestanding building and shall be separated a minimum of 1,000ft. from any other Addiction Treatment Center, as measured building to building.

(3) An Addiction Treatment Center shall be located at least 1,000ft. from any lot line of a property zoned for residential use, or the lot line of any place of public assembly, K-12 school or day care facility.

ARTICLE IV. - DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS

DIVISION 1. - GENERALLY

Sec. 12-50. - Purpose.

All proposed land uses must meet the basic performance standards of the district and meet any and all natural resource protection standards. This article is organized into two (2) sections; the first describes the district standards for residential and nonresidential uses and scale standards; the second presents natural resource protection standards.

Sec. 12-51. - Compliance.

All uses and activities shall comply fully with the provisions of the following standards as a precondition of being permitted pursuant to article III, section 12-32.

DIVISION 2. - DISTRICT PERFORMANCE STANDARDS

Sec. 12-52. - Generally.

The standards for residential uses in all districts are presented in section 12-53. The standards for all nonresidential uses are presented in section 12-54. The bulk standards relating to particular uses are contained in article V.

Sec. 12-53. - Single-family, open space and planned residential performance standards.

This section contains the basic standards applicable to single-family, open space, only in the suburban zoning district, and planned residential developments, as well as for neighborhood conservation districts. Commercial apartments and mixed uses, where such uses are permitted by section 12-32 of this chapter are also listed. The standards of this section are minimum standards and shall apply to each district and use therein. All standards must be met. Whenever the standard contained in this section is different from another performance standard articulated in this article, the strictest standard shall always govern. _____

KEY TO TABLE OF RESIDENTIAL PERFORMANCE STANDARDS

(Refers to Table 12-53)

| | |
|--|--|
| Minimum Open Space Ratio is the minimum proportion of the overall site which must be devoted to open space. (See Article XIV for definitions.) | Maximum Net Density is the value used to determine the maximum number of permitted units within the buildable portion of the site. |
|--|--|

| | | |
|---|--|---|
| Maximum Gross Density is the value used to determine the maximum number of units that may be placed on the overall acreage of the site. | Minimum Site Area is the smallest required area for this use in the specified zoning district for the specified use (either in acreage or square footage). | Minimum Lot Area is the smallest permissible lot size allowed for this zoning district and use. |
|---|--|---|

TABLE 12-53. RESIDENTIAL PERFORMANCE STANDARDS

| ZONING DISTRICT and DEVELOPMENT OPTION | Min. OSR | Max. GD | Net Density | Site Area | Lot Area |
|--|----------|---------|-------------|-----------|----------|
| — | | | | | |
| AGRICULTURAL (AG) | | | | | |
| Single-Family | 0 | 1.0 | 1.05 | 1 ac. | 43,560 |
| SUBURBAN (S) | | | | | |
| Single-Family | 0.15 | 1.50 | 1.80 | 20,000 | 20,000 |
| Open Space | 0.30 | 2.00 | 2.71 | 5 ac. | 10,000 |
| Planned | | | | | |
| Plan 2 ² | 0.55 | 2.00 | 7.24 | 15 ac. | *1 |
| Plan 3 ² | 0.40 | 3.00 | 8.56 | 15 ac. | *1 |
| Plan 4 ² | 0.40 | 4.00 | 8.56 | 15 ac. | *1 |
| Plan 5 ² | 0.40 | 5.00 | 12.85 | 15 ac. | *1 |
| NEIGHBORHOOD CONSERVATION | | | | | |
| A-1, R-1 | 0 | 1.00 | 1.24 | 35,000 | 35,000 |

| | | | | | |
|-------------|------|-------|-------|--------|--------|
| R-2 | 0 | 2.00 | 2.49 | 17,500 | 17,500 |
| R-3 | 0 | 3.00 | 3.63 | 12,000 | 12,000 |
| R-4 | 0 | 4.00 | 4.95 | 8,800 | 8,800 |
| R-5 | 0 | 5.00 | 6.22 | 7,000 | 7,000 |
| RM-5 | 0.15 | 5.00 | 6.22 | 2 ac. | 7,000 |
| Planned | 0.35 | 5.00 | 12.85 | 5 ac. | *1 |
| RM-8 | 0.15 | 8.00 | 9.68 | 2 ac. | 4,500 |
| Planned | 0.35 | 8.00 | 12.85 | 5 ac. | *1 |
| RM-10 | 0.15 | 10.00 | 12.45 | 2 ac. | 3,500 |
| Planned | 0.30 | 10.00 | 17.63 | 2 ac. | *1 |
| RM-12 | 0.15 | 12.00 | 14.52 | 1 ac. | 3,000 |
| Planned | 0.30 | 12.00 | 22.86 | 2 ac. | *1 |
| RM-16 | 0.15 | 16.00 | 19.80 | 20,000 | 2,200 |
| Planned | 0.25 | 16.00 | 22.86 | 1 ac. | *1 |
| RM-22 | 0.15 | 22.00 | NA | 20,000 | 20,000 |
| Mobile Home | | | | | |
| MH-1 | 0.15 | 1.00 | 1.45 | 5 ac. | 30,000 |
| MH-3 | 0.15 | 3.00 | 3.48 | 5 ac. | 12,500 |
| MH-5 | 0.15 | 5.00 | 6.22 | 5 ac. | 7,000 |
| MH-8 | 0.15 | 8.00 | 9.68 | 5 ac. | 4,500 |

| | | | | | |
|---|------|-------|-------|-------|-------|
| MH-10 | 0.15 | 10.00 | 12.45 | 5 ac. | 3,500 |
| ¹ Dwelling size can vary with site requirements; refer to section 12-82 for permitted dwelling unit types. | | | | | |
| ² Density is governed by the Town of Davie Comprehensive Plan. | | | | | |

~~Sec. 12-54. Nonresidential performance standards.~~

~~This section contains the basic standards applicable to all nonresidential uses. They are shown district by district and govern those nonresidential uses permitted in section 12-32 for the district in question. The standards in this section regulate the maximum intensities permitted in each district. Nonresidential uses are regulated on landscape surface ratios (LSR) and floor area ratios (FAR) or height restrictions in the Commercial Conservation Districts. These intensities may not be achievable if the site is limited by the provisions of division 3, Site Capacity Analysis, of this article for natural resource protection.~~

~~KEY TO TABLE OF NONRESIDENTIAL PERFORMANCE STANDARDS
(Refers to Table 12-54)~~

~~Minimum Landscape Surface Ratio (LSR) is the minimum proportion of the site which must be devoted to vegetation.~~

| ZONING DISTRICT and DEVELOPMENT OPTION | Min. Landscape Storage Ratio | Max. Floor Area Ratio | Min. Lot Area |
|---|---|----------------------------------|--------------------------|
| SUBURBAN COMMERCIAL (SC) | | | |
| Retail | 0.40 | 0.19 | 4 ac. |
| Office | 0.40 | 0.25 | 3 ac. |
| Mixed with Office | 0.50 | 0.28 | 3 ac. |
| Mixed with Residential | 0.50 | 0.36 | 3 ac. |
| URBAN COMMERCIAL (UC) | | | |
| Retail | 0.35 | 0.21 | 10 ac. |
| Office | 0.35 | 0.28 | 8 ac. |
| Mixed with Office | 0.30 | 0.30 | 10 ac. |

| | | | |
|--|------|---|--------|
| Mixed with Residential | 0.30 | 0.30 | 10 ac. |
| Maximum Floor Area Ratio (FAR) is the maximum proportion of floor area to site. This number may be reduced because of resource limitations. (See section 12-56). | | Minimum Lot Area is the smallest permissible lot size allowed for this zoning district. | |

~~NONRESIDENTIAL PERFORMANCE TABLE 12-54. STANDARD~~

| ZONING DISTRICT and DEVELOPMENT OPTION | Min. LSR | Max. FAR | Min. Lot Area |
|--|-----------------|-----------------|------------------------|
| NEIGHBORHOOD CONSERVATION | | | |
| A-1 | — | — | 35,000 s.f. |
| AGRICULTURAL (AG) | | | |
| Agriculture | — | — | 43,560 s.f. |
| SUBURBAN COMMERCIAL (SC)* | | | |
| Retail | 0.40 | 0.19 | 4 ac. |
| Office | 0.40 | 0.25 | 3 ac. |
| Mixed with Office | 0.50 | 0.28 | 3 ac. |
| Mixed with Residential | 0.50 | 0.36 | 3 ac. |
| URBAN COMMERCIAL (UC)* | | | |
| Retail | 0.35 | 0.21 | 10 ac. |
| Office | 0.35 | 0.28 | 8 ac. |
| Mixed with Office | 0.30 | 0.30 | 10 ac. |
| Mixed with Residential | 0.30 | 0.30 | 10 ac. |

| COMMERCIAL CONSERVATION | Min. LSR | Max. Height | Min. Lot Area |
|-------------------------|----------|-------------|---------------|
| RO | 0.30 | 25' | 17,500 s.f. |
| Ø | 0.30 | 45' | 5 ac. |
| CC | 0.30 | 45' | 2 ac. |
| B-1 | 0.30 | 25' | 35,000 s.f. |
| B-2 | 0.30 | 25' | 52,500 s.f. |
| B-2M | 0.30 | 25' | 52,500 s.f. |
| B-3* | 0.30 | 35' | 1 ac. |
| M-1 | 0.20 | 35' | 35,000 s.f. |
| M-2 | 0.20 | 35' | 35,000 s.f. |
| M-3* | 0.20 | 35' | 1 ac. |
| C1 | 0.20 | 35' | 1 ac. |
| U* | 0.30 | (a) | 1 ac. |
| NCF | 0.40 | 25' | 1 ac. |
| CF | 0.30 | 35' | 35,000 s.f. |
| PCF* | 0.40 | 25' | 1 ac. |
| RS | 0.65 | 25' | 17,500 s.f. |
| CR | 0.40 | 35' | 35,000 s.f. |

| | | | |
|---|---------------------|---------------------|--------------------------|
| FREEWAY BUSINESS (FB)* (minimum site area: 20 acres) | Min. LSR | Max. FAR | Min. Lot Area |
| Retail | 0.40 | 0.19 | 10 ac. |
| Office | 0.40 | 0.25 | 10 ac. |
| Mixed | 0.60 | 0.60 | 10 ac. |
| BUSINESS PARK (BP)* (minimum site area: 20 acres) | | | |
| Office-Industrial | 0.30 | 0.31 | 1 ac. |
| Industrial Warehousing | 0.30 | 0.45 | 1 ac. |

~~(a) Thirty (30) feet for buildings; three hundred (300) feet for radio, television, telephone or other communication tower.~~

~~* All land included for the purpose of development within these districts are subject to master plan review, in accordance with section 12-375, Master Planned Developments.~~

ARTICLE V. - DEVELOPMENT STANDARDS

DIVISION 3. - NONRESIDENTIAL DEVELOPMENT STANDARDS

Sec. 12-83. - Commercial Conservation Standards.

Table 12-83 presents the development standards that govern the construction of structures in the Commercial Conservation zoning districts. ~~Sections 12-84 through 12-87 provide setbacks for nonresidential uses in the Urban Commercial (UC), Suburban Commercial (SC), Freeway Business (FB), and Business Park (BP) districts except where it is specifically indicated in this section that section 12-88 may be used.~~

TABLE 12-83. CONVENTIONAL NONRESIDENTIAL DEVELOPMENT STANDARDS

| | | | | | | | | | | |
|--|------|------|------|---------------|--|--------|----------|----------|----------|------|
| | Min. | Min. | Min. | | | | Max. | Max. | Min. | Min. |
| | Lot | Lot | Lot | Min. Setbacks | | Height | Building | Building | Building | Open |

| | Area | Frontage | Depth | Front | Side | Rear | | Coverage | Separation | Space |
|----------|---------|----------|-------|-------|--------|-------|----------------------|----------|------------|---------|
| District | (sf/ac) | (ft.) | (ft.) | (ft.) | (each) | (ft.) | (feet) | (ratio) | (feet) | (ratio) |
| RO | 17,500 | 100 | — | 25 | 20 | 20 | 25 ft. | 40% | — | 30% |
| O | 5 ac. | 165 | — | 30 | 30 | 30 | 45ft. | 40% | 20 | 30% |
| CC | 2 ac. | 165 | — | 60 | a | 25 | 45 ft. | 40% | 25 | 30%** |
| B-1 | 35,000 | 150 | 200 | 25 | 20 | 20 | 25 ft. | 40% | 8 | 30% |
| B-2 | 52,500 | 200 | 200 | c | c | c | 35 ft. | 40% | 10 | 30% |
| B-2M | 52,500 | 200 | 200 | c | c | c | 35 25 ft. | 40% | 10 | 30% |
| B-3 | 43,560 | 150 | 250 | d | d | d | 35 ft. | 40% | 30 | 30% |
| C-1 | 43,560 | 150 | — | d | d | d | 35 ft. | 40% | 30 | 20% |
| M-1 | 35,000 | 100 | — | e | e | e | 35 ft. | 40% | — | 20% |
| M-2 | 35,000 | 100 | — | f | f | f | 35 ft.*** | 40% | — | 20% |
| M-3 | 43,560 | 150 | — | g | g | g | 35 ft. | 40% | — | 20% |
| U | 43,560 | — | — | 25 | 25 | 25 | h 30 ft. | 40% | — | 30% |
| NCF | 3 ac. | 150 | — | 40 | 25 | 25 | 35 ft. | 40% | — | 40% |
| CF | 5 ac. | 100 | — | 50 | 25 | 25 | 35 ft. | 40% | — | 30% |
| RS | 17,500 | — | — | 25 | 25 | 25 | 25 ft. | 20% | — | 65% |
| CR | 35,000 | 100 | — | 25 | 25 | 25 | 35 ft. | 40% | — | 40% |

a Side setback is a minimum five (5) feet each side, maximum twenty-five (25) feet each side. The total side setback requirement for both side lot lines combined shall equal ten (10) percent of the lot frontage.

- b Property abutting an interstate or parkway with a minimum elevation of twenty-five (25) feet for at least fifty (50) percent of the abutting property shall be subject to the following: Average elevation of abutting roadway multiplied by a factor of 2.
- c Twenty (20) feet on sides abutting residentially zoned properties and twenty-five (25) feet adjacent to public or private rights-of-way.
- d Twenty-five (25) feet; except fifty (50) feet on sides abutting residentially zoned, occupied or Land Use Plan-designated properties.
- e Twenty-five (25) feet from all street lines; fifty (50) feet for property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential use.
- f Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; one hundred twenty-five (125) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, excluding yacht manufacturing and repair.
- g Twenty-five (25) feet from all street lines except recycling, scrap metal processing and automobile wrecking yards which shall be zero setback within the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, except within the perimeter walls of recycling, scrap metal processing and automobile wrecking yards.

~~h Thirty (30) feet for buildings; three hundred (300) feet for radio, television, telephone or other communication tower.~~

**The minimum OSR for vehicle, boat, truck and recreational vehicle sales and rentals in the CC District is .35.

***The maximum height of all yacht manufacturing and repair, and marina structures shall not exceed 55'. All other structures for related yacht manufacturing and repair, and marina uses shall not exceed 40' in height.

Sec. 12-84. - ~~Street setbacks and pedestrian areas in the~~ Urban Commercial (UC) District.

The purpose of this section is to enhance the character of the Urban Commercial (UC) districts by providing for safe and attractive areas for pedestrians and automobiles. ~~Standards reflect the standards desired or the conditions to be met where new development is in-filling between existing development. Development in the UC district shall comply with the standards set forth in Section 12-83 for the B-3 district except as otherwise set forth in this section.~~

- (1) ~~Front setbacks.~~The bufferyards as specified in ~~Table 12-108B~~Article VI shall be the minimum front setback for parking.
- (2) Where buildings are located between the street and off-street parking areas or with off-street parking to the rear and side of the building, the minimum building setback shall be fifteen (15) feet, as shown in Illustration 12-84A, and entrance walks provided from the street sidewalk to the building entrances. Such areas shall be landscaped with one (1) streetscape planting unit for every forty (40) feet of walkway.

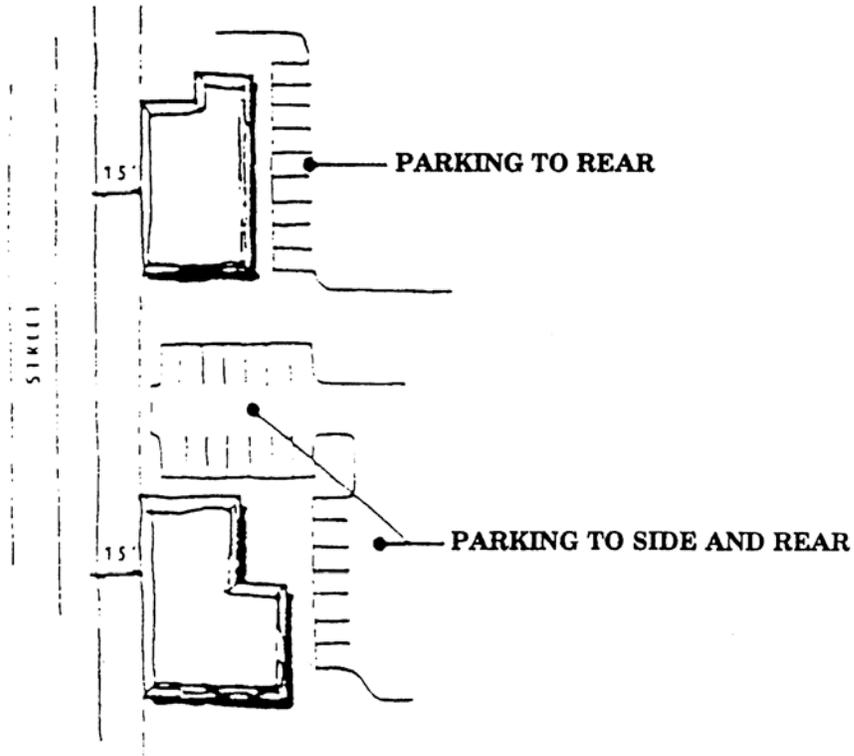


Illustration 12-84(A)

- (3) Where buildings are set back to the rear of an off-street parking area or in L-shape to the rear of such parking areas, the minimum building setback shall be sixty-six (66) feet to eighty (80) feet, based on the treatment between edge of curb and building and the landscape treatment as shown in Illustration 12-84B.

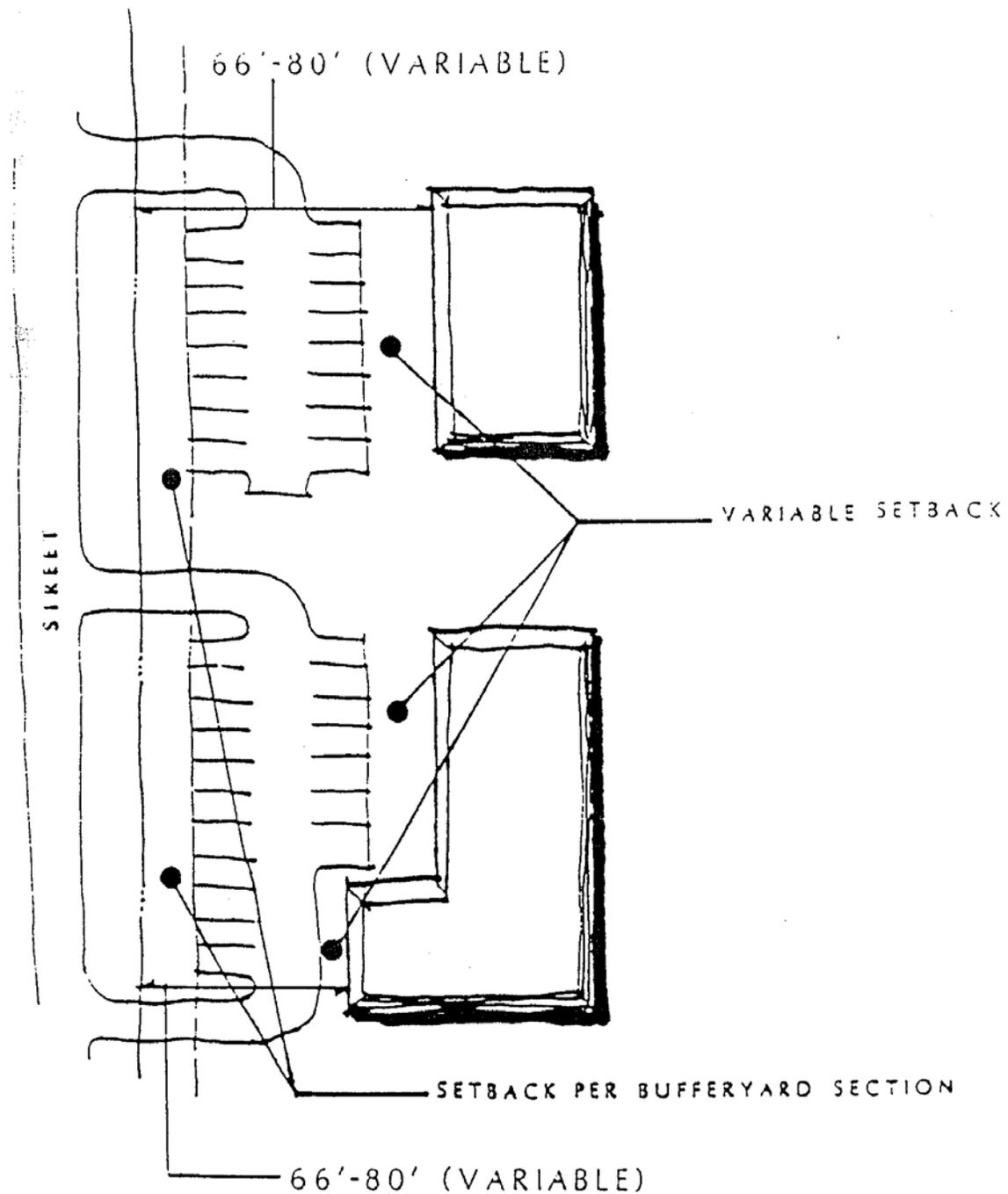


Illustration 12-84B

- (4) Sideyard setbacks: Where a bufferyard is required, the setback for buildings and parking or drives shall be the bufferyard or ten (10) feet, whichever is greater.
- (5) Rearyard setbacks: Where a bufferyard is required, the setback for buildings and parking or drives shall be the bufferyard or twenty-five (25) feet, whichever is greater.

(6) Minimum lot area shall be ten (10) acres.

Sec. 12-85. - ~~Street setbacks and pedestrian areas in the~~ Suburban Commercial (SC) District.

The purpose of this section is to ensure the desired character of the Suburban Commercial (SC) District by providing for safe and attractive areas for pedestrians and to emphasize the open character of the area in order to preserve the suburban character. Development in the SC district shall comply with the standards set forth in Section 12-83 for the B-2 district except as otherwise set forth in this section.

- (1) ~~Front setbacks:~~ The bufferyards as specified in ~~Table 12-108B~~ Article VI shall be the minimum front setback for parking.
- (2) Where buildings are located between the street and off-street parking areas or with off-street parking to the rear and side of the building, the standard setback shall be thirty (30) feet, as shown in Illustration 12-85A, and an entrance walk provided from the street right-of-way to the buildings.

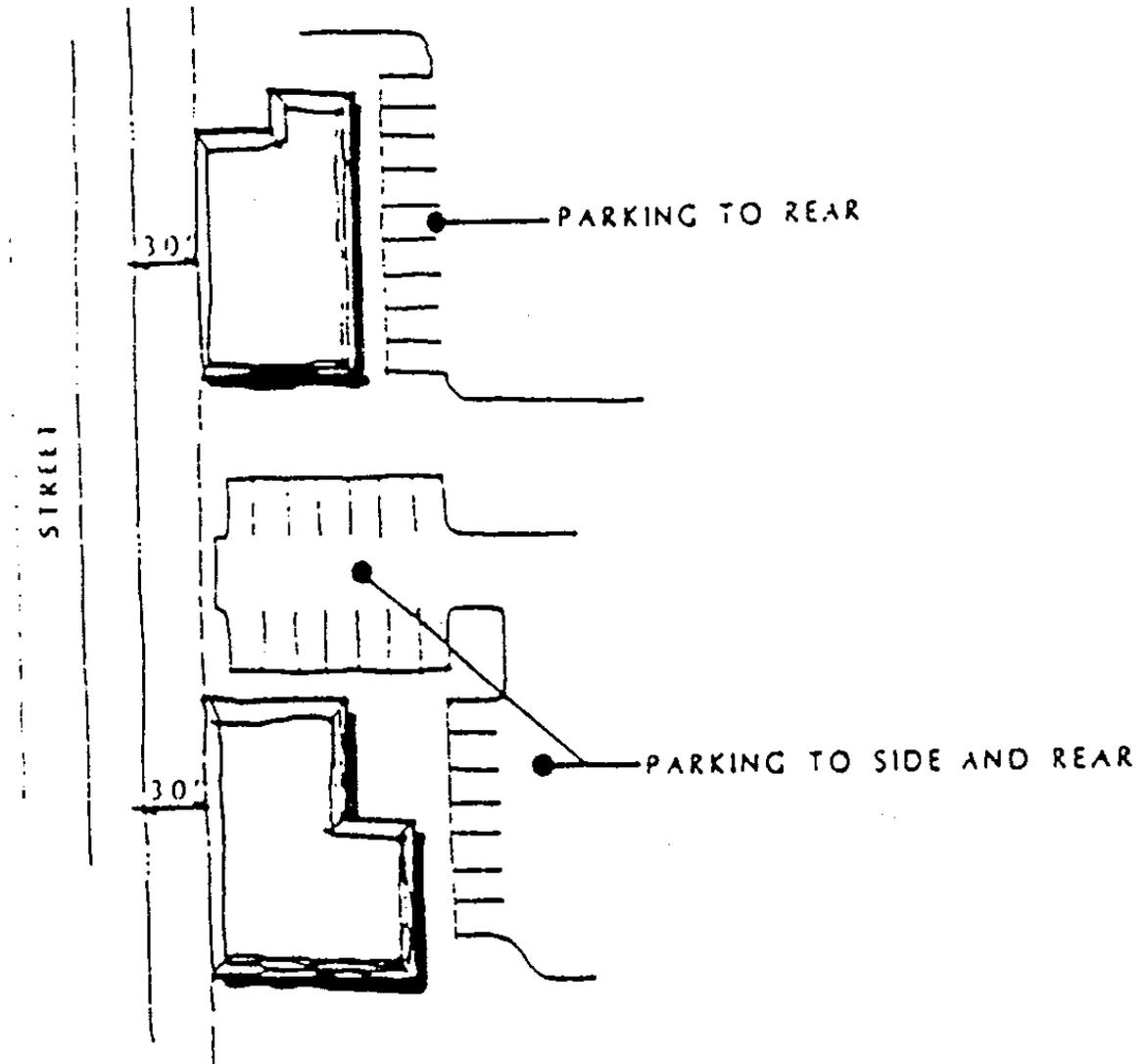


Illustration 12-85A

- (3) Where buildings are set back to the rear of an off-street parking area or in L-shape to the rear of such parking areas, the minimum building setback shall be eighty-six (86) feet to one hundred (100) feet, based on the treatment between edge of curb and building and the landscape treatment as shown in Illustration 12-85B.

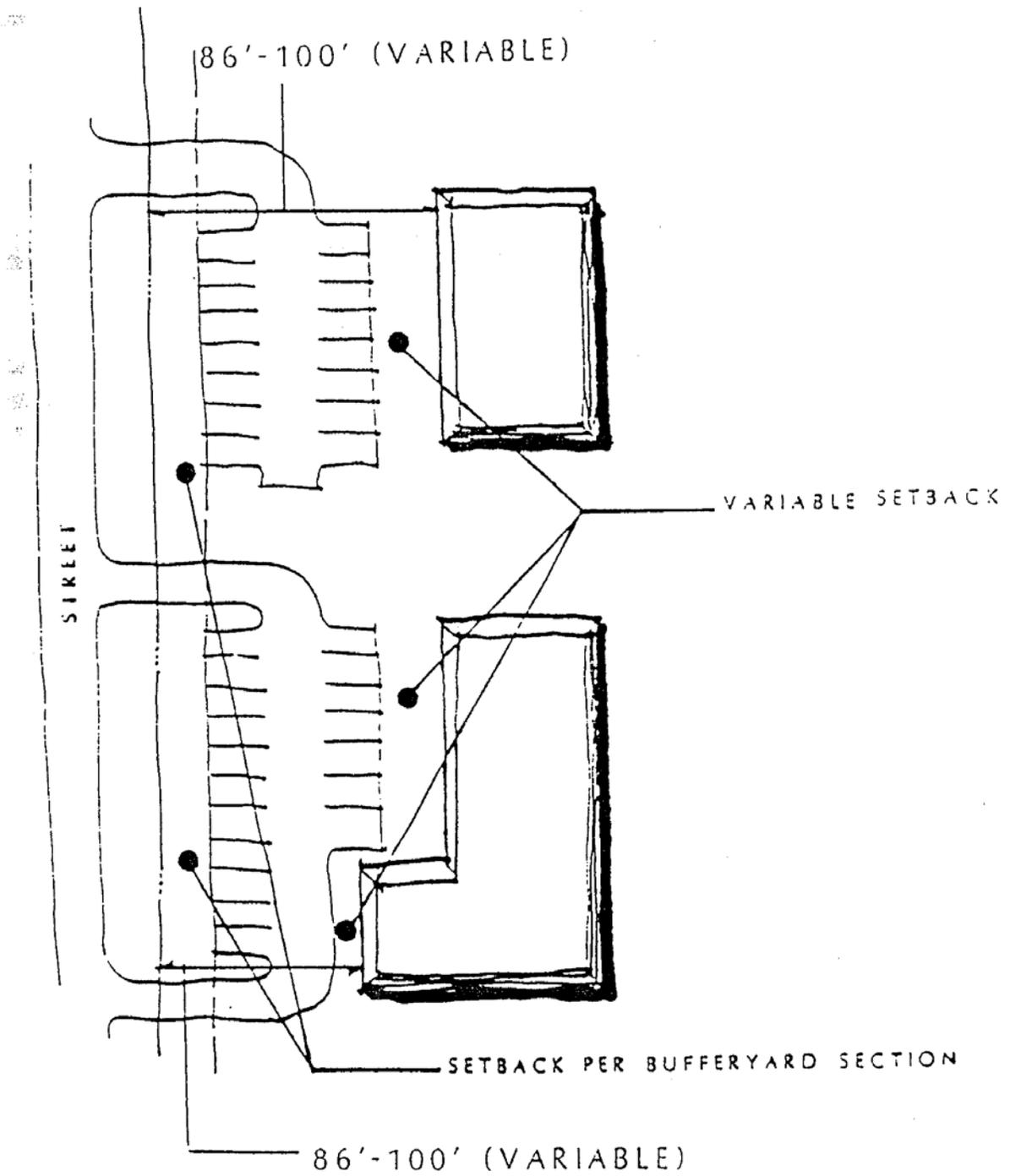


Illustration 12-85B

- (4) Sideyard setbacks: Where a bufferyard is required, the setback for buildings and parking or drives shall be the bufferyard or ten (10) feet, whichever is greater.
- (5) Rearyard setbacks: Where a bufferyard is required, the setback for buildings and parking or drives shall be the bufferyard or twenty-five (25) feet, whichever is greater.
- (6) Minimum lot area shall be four (4) acres.

Sec. 12-86. - ~~Setback standards for the~~ Freeway Business (FB) District.

The purpose of this section is to ensure the desired character of the Freeway Business (FB) District by providing for safe and attractive areas for pedestrians and to ensure compatibility with adjacent residential uses. Development in the FB district shall comply with the standards set forth in Section 12-83 for the B-3 district except as otherwise set forth in this section.

The setbacks in this district shall be width of the bufferyard ~~selected from Tables 12-108A and 12-108B~~ required by Article VI, or the standards below, whichever is greater.

- (1) Fifty (50) feet from any street or road except for those buildings qualifying for the incentive in item (2) below.
- (2) In buildings with four-sided architecture that are made entirely of brick, split-face concrete block with ten (10) percent glazed tile, and/or wood siding thirty (30) feet from any street or roads.
- (3) Where the adjoining use is residential, a distance equal to the rear yard requirement of the adjoining residential district.
- (4) Where a loading area or trash area faces a residential district, the minimum buffer standards in Table 12-108A Article VI shall be increased by two-tenths (0.2) opacity rating, unless the loading areas and storage are enclosed as illustrated in Illustration 12-86A.
- (5) Minimum lot area shall be ten (10) acres.

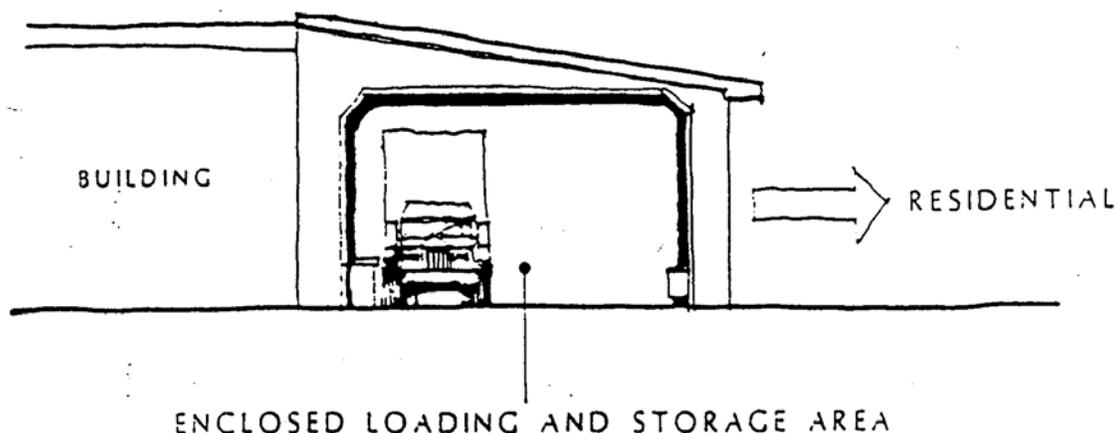


Illustration 12-86A

Sec. 12-87. - ~~Setback standards for the Business Park (BP) District.~~

~~In this district, setbacks and other standards vary depending on whether the building lot is an interior or exterior lot. Illustration 12-87 indicates the distinction between the interior and exterior lots. The setbacks in this district shall be as follows: The purpose of this section is to ensure the desired character of the Business Park (BP) District by providing for safe and attractive areas for pedestrians and to ensure compatibility with adjacent residential uses. Development in the BP district shall comply with the standards set forth in Section 12-83 for the O district except as otherwise set forth in this section.~~

(A) Exterior Lots:

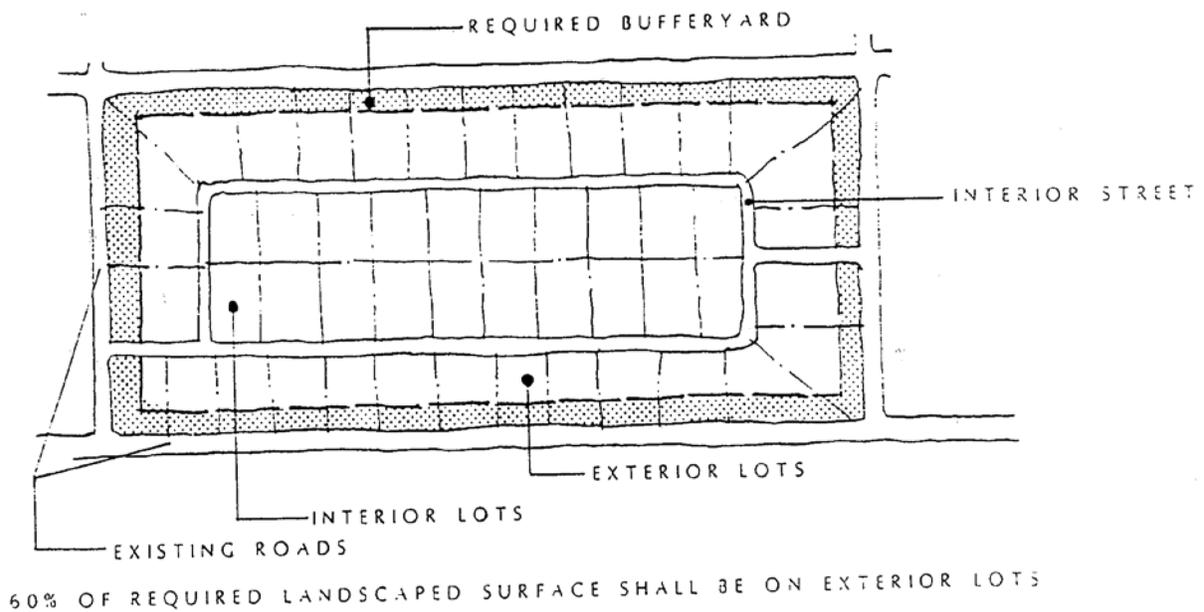
- (1) The minimum setback from exterior property lines shall be the width of the bufferyard selected from Tables 12-108A and 12-108B. It shall apply only to buildings with four-sided architecture that have exteriors of brick, split-face concrete block with a minimum of ten (10) percent glazed tile, or curtain wall construction (subject to approval by the town) and to parking lots that are fully screened from view to a height of at least five (5) feet.
- (2) An additional fifty-foot setback shall be added to the required bufferyard from all exterior property lines for metal-sided or stucco-faced concrete block buildings or for parking that does not meet the requirements above for screening.
- (3) A fifty-foot setback shall be required from any interior road that provides access to exterior roads outside the site.
- (4) Metal-sided or stucco-faced concrete block buildings shall have forty-foot setback from all interior roads.
- (5) All other buildings and parking shall have a twenty-foot setback from all interior roads.
- (6) All buildings shall have a minimum twenty-foot separation and no building may be installed closer than eight (8) feet from a side property line.

(B) Interior Lots:

- (7) All interior lots shall have a fifteen-foot setback from interior streets.
- (8) All buildings shall have a minimum fifteen-foot separation and no building maybe installed closer than five (5) feet from a side or rear property line.

~~(C) Location of Landscaped Surface: The landscaped surface required of a development by section 12-54 shall be distributed so that at least sixty (60) percent of that acreage is on that portion of the site shown in Illustration 12-87 as exterior lots.~~

~~(C) Minimum lot area shall be ten (10) acres.~~



[Illustration 12-87](#)

ARTICLE VI. - SITE LANDSCAPING LANDSCAPING, TREE PRESERVATION AND LAND CLEARING

Division 1. Landscaping

Sec. 12-100. - Purpose and intent.

(A) The intent of this [article-division](#) is as follows:

1. To provide standards for the development, installation, and maintenance of landscaping that adheres to the principles of Florida-friendly landscaping and encourages creative landscape design, construction and management to minimize the potential adverse impacts associated with adjacent land uses of varying intensities.
2. To provide the physical benefits of using plant material as a function of sustainability.
3. To provide minimum standards for landscaping new developments or for redevelopment.
4. To promote water conservation, water quality improvement, and vegetation protection objectives by providing for:
 - a. The reestablishment of native plant communities;
 - b. The use of plant materials appropriate to the location, including hardiness zone, soil type, moisture conditions, light and mature plant size;
 - c. The implementation of Florida-friendly landscaping principles as identified by the Florida Yards and Neighborhoods program operated by the University of Florida's Institute of Food

and Agricultural Services Extension ("UF/IFAS Extension") and A Guide to Florida-friendly Landscaping: Florida Yards and Neighborhoods Handbook, Best Management Practices ("BMPs") identified in the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries (2008), and as provided by law; and

- d. The use of specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers.

- (B) This article-division shall be a minimum standard. This article-division shall not be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, or water gardens.

[Comment: Florida Statutes 125.568(3), 166.048(3), and 373.185(3) provide that a deed restriction or covenant entered after October 1, 2001 may not prohibit any property owner from implementing Xeriscape or Florida-friendly landscape practices on his or her land. Any restriction[s] created after this date are void]

Sec. 12-101. - Applicability.

- (A) The provisions of this section shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within the Town of Davie.

Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern.

1. No permit shall be issued for building, paving, grading or tree removal unless the landscape plans and specifications comply with the provisions hereof; and no Certificate of Occupancy, Certificate of Completion or similar final approval shall be issued until the requirements herein are met.
2. All Town facilities, except parks, opens spaces, and trails will be managed in accordance with these practices by September 7, 2011. All new and renovated Town facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida-friendly landscape materials. Parks, open spaces and trails will be designed with these principles in mind, as applicable. All Town landscape service contractors will adhere to these practices. All new bid specifications and contracts will reflect this requirement beginning one year after the approval of this regulation.
3. Specific application of the Florida-friendly landscape provisions shall include, but not be limited to:
 - a. All new landscapes for private development projects including, but not limited to, industrial, commercial, residential, and recreation projects, including new single-family and two-family homes;
 - b. Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects;
 - c. Any development approved prior to the September 7, 2010, if the site plan, or other permit guiding landscaping for modification is amended, to an extent greater than fifty (50) percent.
4. Exempted from the provisions of the Florida-friendly landscape requirements (note: not irrigation requirements) are the following, as applicable:
 - a. Bona fide agricultural activities;
 - b. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing of livestock;
 - c. Athletic fields;

- d. Golf course play areas;
- e. Any development with an approved site plan or valid building permit issued prior to September 7, 2010, subject to the modifications listed above;
- f. Turfgrass in a dedicated stormwater management area or canal maintenance area or similar and shall not be calculated in the percentages of turfgrass;
- g. Public Parks and other play areas indicated on an approved site plan;
- h. Cemeteries;
- i. Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines; and
- j. Exemptions to Florida-friendly landscape requirements may be granted by Variance for individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.

Sec. 12-~~118~~101.1. - Definitions.

The following terms, when used in this ~~article~~ [division](#), shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

Accent tree: A tree placed in the landscape with the purpose of drawing attention to a particular area.

~~Administrator: The Town Administrator or an administrative official of the Town designated to enforce the provisions of this Article.~~

Application or apply: The actual physical deposit of fertilizer to turf or landscape plants.

Applicator: Any Person who applies fertilizer on turf and/or landscape plants in the Town.

Aquascape: The planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.

Automatic Controller: A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.

Best Management Practices (BMPs): A practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Bioretention: An engineering process to manage stormwater runoff, using the chemical, biological and/or physical properties found in natural, terrestrial-based community of plants, microbes and soils.

~~Broadleaf tree: A tree with multiple buds and a woody trunk that gets larger each year.~~

Canopy tree: A medium to large tree usually twenty (20) feet or more in height used to create overhead coverage of an area.

Commercial Fertilizer Applicator: Any person who applies fertilizer on turf and/or landscape plants in the Town in exchange for money, goods, services or other valuable consideration.

Constant Pressure/Flow Control: A device that maintains a constant flow, or pressure, or both.

Character tree: Any tree with natural, unusual or outstanding features that separate it from other trees.

Drought-tolerant: A plant that is capable of surviving a dry spell of more than two (2) or three (3) months without supplemental watering.

~~Emitter~~: This term primarily refers to devices used in microirrigation systems.

Fertilize, Fertilizing, or Fertilization: The act of applying Fertilizer to turf or Landscape Plant.

Fertilizer: Any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Filter: A device in irrigation distribution systems that separates sediment or other foreign matter.

Florida-Friendly landscape: The principles of Florida-friendly landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protections. Additional components of Florida-friendly landscape include planning and design, soil analysis, the uses of solid waste compost, practical use of turf, and proper maintenance.

Ground Cover: Low growing plants, other than turfgrass, used to cover the soil and form a continuous, low mass of foliage.

Guaranteed analysis: The percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Hardscape: Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.

High Water Use Plants: Plants that require irrigation to provide supplemental water on a regular basis in addition to natural rainfall, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.

Hydrozone: A distinct grouping of plants with similar water needs and climatic requirements. Also referred to as water use zone.

Infiltration Rate: The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Institutional Applicator: Any person, other than a non-commercial or commercial applicator that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but not be limited to, owners and managers of public lands, schools, parks, religious institution, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Irrigated landscape area: All outdoor areas that require a permanent irrigation system.

Irrigation System: An artificial watering system designed to transport and distribute water to plants.

Irrigation Zone: A grouping of sprinkler heads, soakers, bubblers, or microirrigation emitters operated simultaneously by the control of one valve.

Landscape: Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Landscape Design: Consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

Landscape Plan: Plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall be numbered, dated, North arrow indicated,

scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.

Landscaped Area: The entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in Chapter 373.185(1)(b), F.S.

Low-flow Point Applicators: Irrigation applicators with output less than sixty (60) gallons per hour (gph).

Low Water Use Plants: Plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.

Microclimate: The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

Microirrigation (low volume): The application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation that deliver water directly to plant root zones with a high degree of efficiency, no runoff, and little to no evaporation.

Moisture Sensing Device or Soil Moisture Sensor: A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

Mulch: Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native Vegetation: Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Guide to Vascular Plants of Florida, R.P. Wunderlin, 1998, University Press of Florida, Gainesville or the Atlas of Florida Vascular Plants (<http://www.florida.plantsatals.usf.edu/>). Native vegetation shall consist of those plant species indigenous to the ecological communities of South Florida.

Naturecape [Naturescape]: Local landscape program sponsored by Broward County that promotes Florida-friendly landscape principles and best management practices, the incorporation of at least 50% native vegetation, the creation of wildlife habitats, and the planting and propagation of native, non-invasive, and drought tolerant plants.

Palm tree: A tree with a single bud and fibrous trunk.

Pervious Paving Materials: A porous asphaltic, concrete or other surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

Plant Bed: A grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

Plant Communities: An association of native plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

Planting Plan: Specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.

Point of Connection (POC): The location where an irrigation system is connected to a water supply.

Pop-up Sprays: Spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

Pressure Tank: A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

Prohibited Application Period: The time period during which a Flood Watch or warning or a tropical storm watch or warning. Or a hurricane watch or warning is in effect for any portion of the Town, issued by the National Weather Service, or if heavy rain is likely.

Pump Cycling: Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

Rain Sensor Device: A low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Runoff: Water that is not absorbed by the soil or landscape and flows from the area.

Shade tree: Any tree that provides an extended area of protection from the sun's rays.

Site Appropriate Plant: A plant that after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

Slow Release, or Controlled Release or Timed Release or Slowly Available or Water Insoluble Nitrogen: Means nitrogen in a form which delays its availability for a plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

Sod or Lawn: A piece of turf-covered soil held together by the roots of the turf.

Soil Moisture Sensor: See Moisture Sensing Device.

Soil Texture: The classification of soil based on the percentage of sand, silt, and clay in the soil.

~~Specimen tree: Any tree with natural dominating features that cause it to draw attention to itself as a focalization of interest.~~

Street tree: Any medium to large tree used to line the streets.

~~Sub-canopy tree: A small tree placed around or under canopy trees to increase coverage established by the larger trees.~~

Tree: Any single or multiple trunked, self supporting plant, upright in growth, with at least a three-inch caliper DBH and minimum height of ten (10) feet.

Turf and/or Turfgrass: A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede, Seaside, Paspalum, St. Augustine, and Zoysia.

Valve: A device used to control the flow of water in the irrigation system.

Water Use Zone: See "Hydrozone".

Sec. 12-102. - Florida-friendly landscaping.

(A) General Provisions. Within the Town of Davie the principles of Florida-friendly landscaping shall be incorporated into all landscape designs. These include the following:

1. Preserving existing native trees and vegetation, if feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.
2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvements can enhance water use efficiency. Drought resistant plants are emphasized.
3. Plants shall be grouped together by irrigation demand.

4. The percentage of landscaped area in irrigated high water use hydrozones shall be minimized. The maximum percentage of irrigated landscape area that may be included in high water use hydrozones, excluding turfgrass, shall not exceed twenty (20) percent. These high water use limits shall not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ball fields and playgrounds.
5. Soil improvements are encouraged to improve the soil with organic materials prior to the installation of any irrigation system.
6. An efficient irrigation system shall be required and designed according to the water needs of the planting groups.
7. Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the Town Utilities Department. If such reclaimed water or non-potable water is available from the Town to service a site, a local water provider, if different than the Town, shall allow such use of reclaimed water, unless prohibited by Statute.
8. Low impact design principles such as bio-swales, bio-retention areas and other creative stormwater management techniques.

(B) Design Standards.

1. Site designs and landscape construction documents shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system design shall be consistent with the standards required under [Section] 373.228, Florida Statutes.
2. Site Plans shall consider natural drainage features to minimize run-off. The use of pervious surfaces and areas is preferred; therefore impervious surface and material within landscaped areas shall be limited to borders, sidewalks, step stones and other similar material and shall not exceed 10% of the landscaped areas. Use of pervious paving material for driveways and sidewalks is strongly encouraged. A maintenance plan may be required for certain pervious products to ensure that they remain pervious in the long term.

Gravel, river rock, shell and similar material shall not be used as major landscape ground cover or mulch. In no case shall these materials exceed 10% of the landscape area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat and do not produce oxygen like plants.

3. Site plans shall detail, at a minimum, all vegetated areas to be preserved by species.

Sec. 12-103. - Plant material and soil.

(A) Plant materials used in conformance with provisions of this ~~chapter~~ division shall conform to the standards for Florida No. 1 or better, as given in the most current edition of Grades and Standards for Nursery Plants Part I and Part II, State of Florida, Department of Agriculture, Division of Plants Industry, Tallahassee, Florida, or most current edition. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. By the square foot, sod must be ninety (90) percent species and variety as specified on the drawing.

(B) The following plant material is prohibited from being planted within the Town of Davie:

Acacia auriculaeformis: Earleaf Acacia

Araucaria excelsia: Norfolk Island Pine

Ardisia solanacea: Shoebuttan, Ardisia

Bischofia javanica: Bischofia, Toog, Bishopwood

Brassia actinophylla: Schefflera

Casuarina spp.: Australian Pine (all species)

Leucanea leucocephala: Lead Tree, Jummie Bean

Melaleuca quinquenervia: Melaleuca, Punk Tree, Papebark [Paperbark]

Metopium toxiferum: Poison Wood

Rhodomyrtus tomentose: Downy Rose Myrtle

Shinus Terebinthifolius: Brazilian Pepper, Florida Holly

All Category I invasive exotic plants listed on the Florida Exotic Pest Council's most recent list.

- (C) Trees used in required landscaping adjacent to a public street and within five (5) feet of public infrastructure shall utilize a root barrier system, as deemed acceptable by the Town. Tree root barriers shall be installed at the sidewalk edge in those circumstances where tree roots are causing or potentially causing a tripping hazard because of lifting of some portions of the public sidewalk. Species with invasive root systems whose roots are known to cause damage to pavement or utilities shall not be planted closer than twelve (12) feet from a pavement edge, unless an approved root barrier structure is installed, or closer than twenty-five (25) feet from a public water, sewer or drainage line or structure.
- (D) Native vegetation/Drought tolerant. Fifty (50) percent of required landscaping materials, excluding turfgrass, shall be of a species native to South Florida or drought tolerant. Existing native trees or palms may be credited towards the native requirements of this [article division](#) if not relocated. A minimum of twenty-five (25) percent of all required landscape material shall be native to South Florida.
- (E) Trees. Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunks which can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty-foot crown spread. A grouping of three (3) palms shall count as one (1) tree meeting the tree requirements for any provisions herein. (Palm exceptions: Royal Palm, Washingtonian, Canary Island Date Palms, or similar will be considered as one (1) tree.) If palms are used, they shall constitute no more than twenty-five (25) percent of the total tree requirement for any provisions herein and shall have a minimum height as specified in this [article division](#).
 - 1. Trees used in the required landscaping adjacent to a public right-of-way are subject to approval by the Town Administrator, or designee, so that the character of the public street can be maintained.
 - 2. Trees required to be a minimum of ten (10) feet in height shall have a minimum spread of three (3) feet with a diameter at breast height (DBH) of two (2) inches, at four and five-tenths (4.5) feet above grade at time of planting. Trees required to be a minimum of twelve (12) feet in height shall have a minimum spread of four (4) feet with a DBH of two and one-half (2½) inches at time of planting. Trees required to be a minimum of fourteen (14) to sixteen (16) feet in height shall have a minimum spread of five (5) feet with a DBH of three (3) inches.
- (F) Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height at the time of planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two (2) feet above the vehicular open space pavement surface that directly abuts the shrubs. Hedges, when required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after planting.
- (G) Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens or walls to meet physical barriers requirements as specified. The method of attaching vines to a wall or fence must be specified on the plans.

- (H) Ground cover. Ground covers used in lieu of grass in whole or in part shall be planted with a minimum of seventy-five (75) percent coverage with one hundred (100) percent coverage occurring within six (6) months of installation.
- (I) Landscape buffer. The required landscape buffers may not be contained within any lot line or lot(s). No tree(s) or shrub(s) shall be removed from said landscape buffer without first obtaining a [permitapproval](#) from the development services department. No obstructions shall be placed within the landscape buffer except as provided for in subsections 12-111(A)(5)(c) and 12-111(B)(5)(c).
- (J) Turfgrasses. All turf areas shall be sodded using species suitable as permanent lawns in Davie. Where appropriate, turf species that require minimum irrigation are encouraged. The type and location of turf areas shall be selected in the same manner as with all other plantings. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone, except as exempted herein. Irrigated turf shall not be treated as fill-in material but rather as a planned element of the landscape. No gaps greater than one-quarter (¼) inch between newly laid sod shall be accepted.
1. Turf shall be placed so it can be irrigated using separate zones. Irrigated turfgrass areas should be encouraged to be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control, such as on slopes or in swales and, in limited circumstances, where turfgrass is used as a design unifier, or other similar practical use.
 2. Turfgrass areas shall be identified on the landscape plan. No more than sixty (60) percent of the pervious area of single-family or duplex lots, or fifty (50) percent for all other uses, shall be in high water use turfgrass such as St. Augustine. There is no limitation on the percentage of the lot that may be planted in extremely drought tolerant grasses, such as Bahia and Fakahatchee.
- (K) Native and drought-tolerant landscaping. A minimum of fifty (50) percent of the non-turfgrass landscape area on all land use or zoning districts in the Town shall be in native or drought-tolerant landscaping.
- (L) [Reserved Soils](#).
1. [Where landscape plans are required, applicants are encouraged to seek a soil analysis from a reputable soil testing lab to determine soil texture, indicating the percentage of organic matter, measurement of pH, and total soluble salts; and estimated soil infiltration rate.](#)
 2. [Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.](#)
 3. [The use of solid waste compost as a soil amendment is encouraged where it is appropriate.](#)
- (M) Credit for existing trees. Credit for trees preserved on a site shall be granted toward meeting the tree requirement of any landscape provision of this section. No credit will be granted for preserved trees which are extremely poor specimens or which are in declining health. No credit shall be given for those trees excluded in the Tree Preservation Ordinance. Credit for existing trees shall be reviewed by the appropriate Town Department and approved as to the amount of credit under this [chapterdivision](#).
- (N) [\[Plant material.\] All plant material installed under this chapter shall conform to Florida Power and Light Guidelines for overhead wires. The types of plant material to be used are listed in the Town of Davie Landscape Materials List. Overhead electric utilities. Trees to be installed beneath overhead electric utility lines shall be limited to those species which will avoid conflicts with overhead service lines and poles. Refer to the Town's Landscape Materials List for appropriate tree species.](#)
- (O) Invasive exotic plant material. As a condition of development approval, the property owner shall remove all invasive exotic plant species from the property.

Sec. 12-104. - [Plan Landscape plan](#) requirements.

~~(A) Landscape Plans.~~

~~1. Landscape plans shall be submitted in accordance with the provisions of section 12-372 as hereafter provided.~~

~~2.~~

~~(A)~~ Landscape plans submitted ~~pursuant to the above~~ in accordance with section 12-372 shall include at a minimum:

- a. Same scale as the site plan, but no smaller than one (1) inch equals fifty (50) feet.
- b. Existing trees to remain, to be relocated or removed, including size, condition, and disposition for each non-invasive tree consistent with any mitigation provisions necessary to comply with ~~chapter 26~~ divisions 3 and 4 of this article.
- c. Existing trees, shrubs and site improvements on abutting properties within twenty-five (25) feet of the property, including overhead utility lines.
- d. The location and outline of proposed buildings and site improvements, including existing hardscape features such as driveway(s) and sidewalk(s) as necessary.
- e. Proposed and existing parking spaces to remain and other vehicular use areas, access aisles, driveways and sidewalks.
- f. All existing and proposed easements, rights-of-way and drainage structures.
- g. A table of data indicating required quantities and provided quantities of proposed plant material, gross and net acreage, square feet of parking areas and buildings, number of trees to remain, number of trees to be relocated, and the number of trees to be removed.
- h. Proposed plant list by symbol, quantity, botanical name, common name, size and specification, and degree of drought tolerance (as determined by the South Florida Water Managements District's Waterwise Guide, as amended) and indication of whether native to South Florida.
- i. Site lighting.
- j. Existing and proposed structures and water bodies or retention ponds including pools, fountains, fences, and retaining wall(s).
- k. Preliminary irrigation plan or note on plan indicating that an irrigation plan shall be submitted for approval prior to issuance of a building permit.
- l. Planting details and planting specifications.
- m. Such other information that may be required to give a complete understanding of the proposed plan.
- n. A table showing the total square footage(s) of the various hydrozones on the plan. If more than one water meter serves the site, the total hydrozones square footages of the various hydrozones must be identified with each point of connection and meter providing water service.
- o. Phasing plan, if applicable.
- p. A list of permits required prior to implementation of the landscape plan, such as a tree removal/relocation permit or a clearing and grubbing permit.

~~3.(B)~~ Landscape plans shall be signed and sealed by a registered landscape architect, in accordance with Chapter 481, Part II, Florida Statutes.

~~4.(C)~~ A note shall be included on the landscape plans stating that an irrigation system shall be provided with one hundred (100) percent overlap, if irrigation is required by this ~~article~~ division. Irrigation plans shall be submitted for review and permitting at the time of application for building permit.

~~(B) Soils.~~

- ~~1. Where landscape plans are required, applicants are encouraged to seek a soil analysis from a reputable soil testing lab to determine soil texture, indicating the percentage of organic matter, measurement of pH, and total soluble salts; and estimated soil infiltration rate.~~
- ~~2. Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.~~
- ~~3. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.~~

~~(C) Reserved.~~

~~(D) Section 26 Vegetation, Article IV. Clearing and Grubbing of Land shall be followed prior to the clearing of any lands for landscape or other purposes.~~

Sec. 12-105. - Irrigation.

(A) Irrigation Plans.

1. Irrigation plans shall be designed to recognize different irrigation requirements of the landscape described in this [Article](#) [division](#).
2. The irrigation shall show the following:
 - a. Irrigation points of connection and design capacity;
 - b. Water service pressure at irrigation point of connections (POC);
 - c. Water meter size when revising existing irrigation plans or when utilizing reclaimed water;
 - d. Reduced-pressure-principle backflow prevention devices for each irrigation POC on potable water systems.
 - e. Major components of the irrigation system including all pumps, filters, valves, and pipe sizes and lengths;
 - f. Precipitation rate expressed in inches per hours for each valve circuit. The preparer must attach to the project data sheet the calculations for deriving precipitation rates for each irrigation valve circuit.
 - g. Total flow rate (flow velocity not to exceed 5 feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit.
 - h. Irrigation legend shall have the following elements:
 - i. Separate symbols for all irrigation requirements with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufactures name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-point pressure per nozzle and bubble and low flow emitter; manufactures recommended overhead and bubble irrigation nozzle rating in gallon per minute (gpm) or gallon for hour (gph) for low flow point applications; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufactures rated precipitation rate per nozzle at specified psi.
 - i. Location of rain shut-off devices or soil moisture sensors.

(B) Efficient Design. All irrigation installations after September 7, 2010, shall meet the irrigation standards identified per [Section] 373.228, F.S. These include:

1. Irrigation systems, including the use of micro-irrigation as appropriate, shall be designed to meet the needs of the plants in the landscape.
2. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.
3. The irrigation system plans and specifications shall identify the material to be used and the construction methods.

4. The design shall consider soil, slope and other site characteristics in order to minimize water waste, including overspray, the watering of all impervious surfaces and other non-vegetated areas, and off-site runoff.
5. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
6. The system shall be designed to use the lowest quality water feasible.
7. Rain switches or other approved devices, such as soil moisture sensors to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)
9. A recommended seasonal operating schedule and average precipitation rate for each irrigation zone for both establishment and maintenance conditions shall be provided.
10. Control systems shall provide the following minimum capabilities:
 - i. Ability to be programmed in minutes, by day of week, season, time of day,
 - ii. Ability to accommodate multiple start times and programs,
 - iii. Automatic shut off after adequate rainfall,
 - iv. Ability to maintain time during power outages for a minimum of three (3) days, and
 - v. Operational flexibility to meet applicable year round water conservation requirements and temporary water shortage restrictions.
11. Recommended maintenance activities and schedules shall be included.
12. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that microirrigation emitters may be specified to meet the requirements of individual plants.
13. Irrigation systems shall be designed to maximize uniformity, considering factors such as:
 - i. Emitter types.
 - ii. Head spacing.
 - iii. Sprinkler pattern.
 - iv. Water pressure at the emitter.
14. Irrigation systems with main lines larger than two (2) inches or designed to supply more than seventy (70) gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five (95) percent accuracy across the flow range.
15. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.
16. The irrigation system shall be designed to correlate to the organization plants into zones as described in section 12-102 above. The water use zones shall be shown in the irrigation plan. All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment.
17. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law ([Section] 373.62, F.S.). Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
18. The installation of tracer wire along main lines and laterals shall be required to permit easy location and prevent inadvertent cutting of pipes.

19. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimum pump "cycling".
 20. Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.
 21. Nozzle precipitation rates for all heads within each valve circuit must be matched to within twenty (20) percent of one another.
 22. No water spray from irrigation systems shall be applied under roof overhangs.
 23. Irrigated areas shall not be less than four (4) feet wide, except when next to contiguous property or using micro or drip irrigation.
 24. A pressure-regulating valve shall be installed and maintained if static service pressure exceeds eighty (80) pounds per square inch. The pressure regulating valve shall be located between the meter and the first point of division in the pipe and set at a not more than fifty (50) pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation.
- (C) To assist the end user to operate the system property, in addition to the minimum requirements of [Section] 373.228, F.S., the following shall be provided to the owner at the time of installation. The map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert into a small container.
1. Irrigation schedule information, with instructions for seasonal timer and sensor changes;
 2. Irrigation system plans and specifications including as-constructed drawings, recommended maintenance activities and schedules;
 3. Operations schedules, design precipitation rates, and instructions on adjusting the systems to apply less water after the landscape is established;
 4. Maintenance schedule, water source, water shut-off method, and the manufacturing operational guide for their irrigation controller;
 5. To the extent feasible, similar information should be made available for subsequent property transfers.
- (D) Reduced-pressure-principle backflow preventers shall be recertified yearly.

Sec. 12-106. - Yard waste management, composting and use of mulches.

- (A) Yard wastes shall not be disposed of or stored directly adjacent to or in canals, in ditches or swales, or near storm drains. In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks, or roadways.
- (B) Grass clippings should be left on lawns. Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blades. If a conventional mower equipped with a side discharge chute is used, when mowing near the shoreline, direct the chute away from the waterbody and when mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.

Sec. 12-107. - Fertilizer and pesticide management.

- (A) Fertilizer Management.
- (B) Applicability. The provisions of this section shall apply to all fertilizer applications within the Town of Davie with the following exceptions:
 1. Bona fide farm operations as defined in Florida Right to Farm Act, Section 823.14, F.S., as amended, provided that fertilizers are applied in accordance with the appropriate best

management practices manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question; and

2. Fertilizer application for golf courses, parks, and athletic fields shall follow the provisions as indicated in Rule 5E-1.003(2)(d), F.A.C., as amended.
3. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS Extension and UF/IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(C) Licensing and Training of commercial fertilizer applicators.

1. By January 1, 2014, any commercial fertilizer applicator to an urban landscape must be certified by the Department of Agriculture and Consumer Services pursuant to Section 482.1562, F.S., as amended.
2. All commercial and institutional applicators of fertilizer within the Town of Davie, shall successfully complete and apply fertilizers in accordance with the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the UF/IFAS Extension.

(D) Fertilizer content and application rates.

1. Fertilizers applied to turf and/or landscape plants within the Town of Davie shall be formulated and applied in accordance with requirements and directions provided on the fertilizer bag and by Rule 5E-1.003(2), F.A.C. Nitrogen or phosphorus fertilizer shall only be applied to turf or landscape plants during growth periods, not during dormant periods. These fertilizer shall not be applied except as provided for by the directions on the fertilizer bag unless soil or plant tissue deficiency has been verified by UF/IFAS Extension or another accredited laboratory or test.

(E) Timing of fertilizer application.

1. Care should be taken to limit the application of fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the summer rainy season.
2. In no case shall fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during times which a flood, tropical storm, or hurricane watch or warning issued by the National Weather Service is in effect for any portion of Broward County.

(F) Application practices.

1. Spreadable deflector shields are required when fertilizing via rotary spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
2. Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surface.
3. Any fertilizer applied, spilled or deposited, either intentional or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
4. Fertilizer releases on an impervious surface shall be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
5. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyance, or water bodies.

(G) Fertilizer Free Zones.

1. Fertilizers shall not be applied within ten (10) feet or three (3) feet if deflector shield or drop spreader is used, of any pond, lake, canal or wetlands.

(H) Pesticide Management.

1. All landscape applications of pesticides, including "Weed and Feed" products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.
2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the UF/IFAS Extension publications.
3. When using pesticides, all label instructions of State and Federal law should be adhered to. The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.

Sec. 12-108. - Installation and maintenance.

- (A) All landscaping shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping inclusive of plant material, except hedges, shall be installed so as to meet all other applicable ordinances and Code requirements.
1. Topsoil shall be clear and reasonably free of construction debris, weeds and rocks over one (1) inch in diameter. The planting soil for all planting areas shall be composed of a minimum of thirty (30) percent muck or horticulturally acceptable organic material. The minimum planting soil depth shall be four (4) inches of thoroughly amended soil for landscape beds and two (2) inches for sodded or seeded grass areas. All trees, shrubs and ground cover areas must use topsoil soil in installation. All areas where trees are to be planted shall be excavated to the width and depth of the rootball except that the upper twelve (12) inches shall be excavated to at least three (3) times the width of the rootball prior to being backfilled with the required topsoil mix.
 2. All trees and palms shall be properly guyed and staked at the time of planting to ensure establishment and erect growth. Trees and palms shall be re-staked in the event of a blow-over or other failure of staking and guying. Nail staking or other methods which cause cosmetic or biological damage to the tree are prohibited.
- (B) A qualified representative of the agency charged with the issuance of building permits shall inspect all landscaping, and no certificate of occupancy or completion will be issued unless the landscaping meets the requirements herein provided.
- (C) Landscaping Maintenance.
1. Landscape maintenance for hire shall be performed in accordance with recommendation in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries.
 2. Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards and Neighborhoods publications.
- (D) Irrigation maintenance.
1. A regular irrigation maintenance schedule shall be included, but not be limited to, checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season yearly.

Sec. 12-109. - Effect of failure to correct violation upon notice.

- (A) If any owner of any lot or premises covered by this [chapter division](#) refuses or neglects, for a period of thirty (30) days after receiving notice from the town of any violation, to cure such violation, the town may act to cure such violation without further notice.
- (B) The town may cause the work to be removed, replaced and/or cutting to be done, and the cost of such work shall forthwith be paid by the owner.
- (C) Upon failure of the owner to promptly pay the cost of such work, the town clerk shall cause an affidavit to be placed upon the public records of the county describing the work done and the amount

of cost incurred by the town, such affidavit shall constitute a claim of lien against the property, foreclosable in the manner of mechanics liens, together with the cost of the action and all reasonable attorneys' fees incurred by the town.

- (D) Notices required by this ~~chapter~~ division may be mailed to the owner of record as shown on the tax roll of Broward County.

Sec. 12-110. - Requirements for certificate of occupancy Miscellaneous requirements.

- (A) ~~If the landscaping requirements of this chapter have not been met at the time that a certificate of occupancy could be granted and is requested, the owner or his agent must post a surety bond or cash bond or letter of credit of one hundred and ten (110) percent of the completion cost.~~

Bonds to ensure completion. If the landscaping requirements of this division have not been met at the time that a certificate of occupancy or a certificate of completion is requested, the Town, for good cause, may accept a cash bond or letter of credit of one hundred and ten (110) percent of the cost to ensure completion.

- (B) Irrigation system coverage. In all districts, pervious areas shall be provided with an automatic underground ~~sprinkler~~ irrigation system, adequate to service the landscape areas, except when not required under the provisions of this ~~article~~ division. All common open space or landscaped areas shall be provided with an underground irrigation system. All irrigation systems shall be designed to provide one hundred (100) percent coverage with one hundred (100) percent overlap.
- (C) Maintenance. The ~~owner, or agent, landowner~~ shall be responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant material.
- (D) Maintenance of right-of-way. The owner of real property shall at all times be responsible for the maintenance of the unpaved portion of the public right-of-way between the paved portion of the public right-of-way and the boundary of the owner's property.
- (E) Irrigation system verification. The irrigation system shall be in working condition prior to a certificate of occupancy or completion being issued. The system must be able to be turned on at the time of the final landscape inspection to ensure proper overlap is provided. No individual pump shall exceed twenty-five (25) horsepower.
- (F) As-built irrigation plan. An "as-built" landscape and irrigation document shall be submitted to the Town prior to the issuance of Certificate of Occupancy if changes were made between plans approval, installation and final sign off. A copy of the final plans, either "as-built" or approved plans, shall be delivered by the applicant to the homeowner, when applicable. The purpose of this provision is to help avoid damage to underground irrigation systems.

Sec. 12-111. - Landscaping standards for lots and sites.

- (A) Single-family and two-family districts.
 1. Tree requirements. A minimum of three (3) trees per eight thousand (8,000) square feet of lot area (excluding house and paved areas). For lots over eight thousand (8,000) square feet, one (1) additional tree per three thousand (3,000) square feet of lot area, or fraction thereof, shall be provided. Trees required to be adjacent to the street or in the swale area are to be selected from the current Town of Davie Landscape Materials List.
 - a. Tree requirements. For lots eight thousand (8,000) square feet: one (1) tree to be located in or adjacent to the swale area, second tree in the front yard and the third tree located at the discretion of the developer.
 - b. For lots larger than eight thousand (8,000) square feet: two (2) trees to be located in or adjacent to the swale area, one (1) tree located in the front yard and the remainder at the discretion of the developer.

- c. For corner lots, an additional one (1) tree for each forty (40) linear feet of street frontage shall be required on the side street.
2. Shrub requirements. For every linear foot of building frontage (excluding entries and garage openings), one (1) shrub per eighteen (18) inches of building frontage or fraction thereof. Shrubs are to be twenty-four (24) inches in height at time of planting.
 3. Ground cover requirements. Ground cover is required at the same quantity as shrubs.
 4. Sodding. All portions of the development site not dedicated to buildings, driveways, walkways or landscaping shall be sodded in accordance with the Florida-friendly landscape requirements of section 12-103(J) above.
 5. Required landscaping buffer and street trees for single-family and two-family districts adjacent to public rights-of-way.
 - a. A required landscape buffer shall be provided for all residential districts in accordance with the following, except that additional buffer width may be required as provided in paragraph c. of this subsection:
 - University Drive and State Road 84 shall be thirty (30) feet wide.
 - Arterial and collector streets shall be twenty (20) feet wide.
 - All other streets shall be ten (10) feet wide.
 - b. Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet or fraction thereof of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet or fraction thereof.
 - c. In addition, unless otherwise approved by town council, a hedge, wall, or fence of a height not less than two and one-half (2½) feet, and not to exceed the maximum permitted height, shall be placed within the landscape buffer for all developments subject to site plan review. A variety of species and/or materials shall be used with no more than sixty (60) percent of the plants being one (1) predominate species.

If a fence or wall is used in the buffer, then the fence or wall shall be placed at the rear of the landscape buffer. A continuous row of hedges and the required trees shall be placed on the right-of-way side of the fence or wall, and the trees shall be staggered. The town council may waive the requirement of this subsection, if it determines that the wall or fence is an architectural feature such that esthetics will be better served by leaving it unscreened.
 - d. Street trees shall be installed in the swale area of the street if deemed by the Town Administrator, or designee, to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet of street frontage or fraction thereof. The type of trees shall be consistent with other swale trees along the street and approved by the Town Administrator, or designee, department. Suggested street trees may be found in the Town of Davie Landscape Materials List.
 - e. Necessary accessways from the public right-of-way through all such landscape strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section 12-113.
 - f. University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches.
 - g. Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.

6. Required landscape buffer for proposed public rights-of-way or private ingress/egress easements. Where a public right-of-way or private ingress/egress easement is proposed that abuts an adjoining property not under the same ownership, a ten-foot landscape buffer shall be provided between the adjoining property and the proposed right-of-way or ingress/egress easement.

Within the landscape buffer, one (1) fourteen- to sixteen-foot tree shall be installed for each forty (40) linear feet of property line along with a continuous row of hedges.

(B) Zero lot line developments.

1. Tree requirements. A minimum of three (3) trees and one (1) palm shall be installed on the lot. The three (3) trees shall consist of one (1) shade tree located in the front yard and two (2) accent trees placed in the rear yard. The palm tree shall be located in the front yard.

For corner lots, an additional one (1) tree for each forty (40) linear feet of street frontage shall be required on the street side.

2. Shrub requirements. For every linear foot of building frontage, one (1) shrub per eighteen (18) inches of building frontage or fraction thereof. Shrubs are to be twenty-four (24) inches in height at time of planting.
3. Ground cover requirements. Ground cover is required at the same quantity as shrubs.
4. Sodding. All portions of the development site not dedicated to buildings, driveways, walkways or landscaping shall be sodded, in accordance with the Florida-friendly landscape requirements in section 12-103(J) above.
5. Required landscape buffer and street trees for zero lot line developments adjacent to existing public rights-of-way.

- a. A required landscape buffer shall be provided for all residential districts in accordance with the following:

University Drive and State Road 84 shall be thirty (30) feet wide.

Griffin Road from University Drive east to the town's limits shall be twenty (20) feet wide.

Arterial and collector streets shall be twenty (20) feet wide.

All other streets shall be ten (10) feet wide.

- b. Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet or fraction thereof of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet or fraction thereof.
- c. In addition, a hedge, wall, or other durable landscape barrier of a height of not less than two and one-half (2½) feet and not more than six (6) feet shall be placed within the landscape buffer. A variety of species and/or materials shall be used with sixty (60) percent of the plants being one (1) predominate species.

If a fence or wall is used in the buffer, then the wall shall be placed at the rear of the landscape buffer. A continuous row of hedges shall be installed on the public right-of-way side of the wall. The required trees shall be placed on the right-of-way side of the wall at forty-foot intervals. Planting should be of such size and spacing that seventy-five (75) percent of the total linear length is covered by plantings. The town council may waive the requirement of this subsection if it determines that the wall or fence is an architectural feature such that esthetics will better be served by leaving it unscreened.

- d. Street trees shall be installed in the swale area of the street if deemed by the Town Administrator, or designee, to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for

every forty (40) linear feet of street frontage or fraction thereof. The type of trees shall be consistent with other swale trees along the street and approved by the Town Administrator, or designee, department. Suggested street trees may be found in the Town of Davie Landscape Materials List.

- e. Necessary accessways from the public right-of-way through all such landscape strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the sight triangle found in section 12-113.
 - f. University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches.
 - g. Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.
6. Required landscape buffer for proposed public rights-of-way or private ingress/egress easements. Where a public right-of-way or private ingress/egress easement is proposed that abuts an adjoining property not under the same ownership, a ten-foot landscape buffer shall be provided between the adjoining property and the proposed right-of-way or ingress/egress easement.

Within the landscape buffer, one (1) fourteen- to sixteen-foot tree shall be installed for each forty (40) linear foot of property line, along with a continuous row of hedges.

(C) Multifamily districts.

- 1. Tree requirements. One (1) tree shall be installed for every eight (8) feet of building frontage or fraction thereof, and eighty (80) percent of the required number of trees shall be planted within twenty (20) feet of the building. Twenty (20) percent of the required trees shall be planted as open space trees.
 - a. Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.
 - b. Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.
 - c. Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.
- 2. Shrub requirements. A minimum of twenty (20) shrubs per unit on the first floor and five (5) shrubs for each additional unit above the first floor, and are intended to be designed and installed as foundation plantings.
- 3. Ground cover requirements. Ground cover is required at the same requirements as shrubs.
- 4. Perimeter landscape buffer for multifamily districts adjacent to abutting properties. A ten-foot landscape buffer shall be provided adjacent to abutting properties. A wall, hedge or other durable landscape barrier shall be installed. One (1) fourteen- to sixteen-foot tree shall be planted for each forty (40) linear feet of property line or fraction thereof, along with a continuous hedge. The shrub and/or wall requirement of this section may be waived if the adjoining property has a buffer that meets the minimum requirements of this section.
- 5. Required landscape buffer and street trees for multifamily districts adjacent to existing public rights-of-way.
 - a. A required landscape buffer shall be provided for all residential districts in accordance with the following:

University Drive and State Road 84 shall be thirty (30) feet wide.

Griffin Road from University Drive east to the town's limits shall be twenty (20) feet wide.

Arterial and collector streets shall be twenty (20) feet wide.

All other streets shall be ten (10) feet wide.

- b. Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet or fraction thereof of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet or fraction thereof.
- c. In addition, a hedge, wall, or other durable landscape barrier of a height of not less than two and one-half (2½) feet and not more than six (6) feet shall be placed within the landscape buffer. A variety of species and/or materials shall be used with sixty (60) percent of the plants being one (1) predominant species.

If a fence or wall is used in the buffer, then the wall shall be placed within the landscape buffer at the inside edge. A continuous row of hedges shall be installed on the public right-of-way side of the wall. The required trees shall be placed on the right-of-way side of the wall at forty-foot intervals. Planting should be of such size and spacing that seventy-five (75) percent of the total linear length is covered by plantings. The town council may waive the requirements of this subsection if it determines that the wall or fence is an architectural feature that such esthetics will better be served by leaving it unscreened.

- d. Street trees shall be installed in the swale area of the street if deemed by the Town Administrator, or designee, to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet of street frontage or fraction thereof. The type of trees shall be consistent with other swale trees along the street and approved by the Town Administrator, or designee. Suggested street trees may be found in the Town of Davie Landscape Materials List.
 - e. Necessary accessways from the public right-of-way through all such landscape strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section [42-10912-113](#).
 - f. University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches.
 - g. Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.
6. Required landscape buffer for proposed public rights-of-way or private ingress/egress easements. Where a public right-of-way or private ingress/egress easement is proposed that abuts an adjoining property not under the same ownership, a ten-foot landscape buffer shall be provided between the adjoining property and the proposed right-of-way or ingress/egress easement.

Within the landscape buffer, one (1) fourteen- to sixteen-foot tree shall be installed for each forty (40) linear foot of property line, along with a continuous row of hedges.

- 7. Interior landscape for parking areas. Interior landscaping for all parking and drive areas shall be in accordance with section [42-10812-112](#).
- 8. Sodding. All portions of the development site not occupied by buildings, walkways, or parking and driveways shall be sodded in accordance with the Florida-friendly landscape requirements in section 12-103(J) above.

(D) Commercial and industrial districts.

1. Requirements ~~for~~for commercial and industrial districts twenty thousand square feet or under.
 - a. Tree requirements. For commercial and industrial sites under twenty thousand (20,000) square feet of gross site area, one and five-tenths (1.5) trees per five thousand (5,000) square feet of gross site area or fraction thereof shall be planted in areas approximately ten (10) feet wide.
 - (i) Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.
 - (ii) Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.
 - (iii) Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.
 - b. Shrub requirements. Ten (10) shrubs per five thousand (5,000) square feet of gross site area.
 - c. Ground cover requirements. Ground cover is required at the same requirements as shrubs.
 - d. Interior landscape for parking areas. Interior landscaping for all parking and drive areas shall be in accordance with section 12-112.
2. Requirements for commercial and industrial districts over twenty thousand square feet.
 - a. Tree requirements. For sites over twenty thousand (20,000) square feet of gross site area, four (4) trees for the first twenty thousand (20,000) square feet, plus one (1) tree for each additional ten thousand (10,000) square feet or fraction thereof, shall be planted in an area approximately ten (10) feet wide.
 - (i) Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.
 - (ii) Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.
 - (iii) Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.
 - b. Shrub requirements. Twenty (20) shrubs for the first twenty thousand (20,000) square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) square feet of gross site area or fraction thereof.
 - c. Ground cover requirements. Ground cover is required at the same requirements as shrubs.
 - d. Interior landscape for parking areas. Interior landscaping for all parking and drive areas shall be in accordance with section 12-112.
 - e. In properties used as a recycling, scrap metal processing and automobile wrecking yard, trees and shrubs shall not be required within the perimeter wall except in connection with the construction of parking areas. If, after reasonable efforts to plant all of the required trees and shrubs in areas within the applicant's property, required trees and shrubs in excess of those that can be placed in locations not subject to damage from recycling, scrap metal processing and automobile wrecking yard operations may be planted within areas designated by the town or the equivalent monetary value may be donated to the town for use in planting trees and shrubs.
3. Perimeter buffer areas for commercial and industrial districts adjacent to residential property. A landscape buffer of ten (10) feet shall be required adjacent to any residentially zoned or used property. An eight-foot masonry wall shall be installed at the inside edge of the landscape buffer. In addition, the landscape buffer shall contain one (1) fourteen- to sixteen-foot tree for

each forty (40) linear feet or fraction thereof of property line, and a continuous row of hedges shall be installed.

4. Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties. A ten-foot landscape buffer shall be provided adjacent to abutting properties. One (1) fourteen- to sixteen-foot tree shall be planted for each forty (40) linear feet of property line or fraction thereof, along with a continuous hedge. The shrub requirement of this section may be waived if the adjoining property has a buffer that meets the minimum requirements of this section. If two (2) buildings are adjacent to each other on abutting properties, the hedge requirement may be waived by the Town Administrator, or designee.
5. Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts.

- a. A required landscape buffer shall be provided for all industrial and commercial districts in accordance with the following:

University Drive and State Road 84 shall be thirty (30) feet wide.

Griffin Road from University Drive east to the town's limits shall be twenty (20) feet wide.

Arterial and collector streets shall be twenty (20) feet wide.

All other streets shall be ten (10) feet wide.

- b. Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet or fraction thereof of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet or fraction thereof.
- c. In addition, a hedge, wall, or other durable landscape barrier of a height of not less than two and one-half (2½) feet and not more than eight (8) feet shall be placed within the landscape buffer. A variety of species and/or materials shall be used with sixty (60) percent of the plants being one (1) predominant species.

If a wall is used in the buffer, then the wall shall be placed at the inside interior edge of the landscape buffer. A continuous row of hedges shall be installed on the public right-of-way side of the wall. The required trees shall be placed on the right-of-way side of the wall at forty-foot intervals. Planting should be of such size and spacing that seventy-five (75) percent of the total linear length is covered by plantings. The town council may waive the requirements of this subsection if it determines that the wall or fence is an architectural feature that such esthetics will better be served by leaving it unscreened.

- d. Street trees shall be installed in the swale area of the street if deemed by the Town Administrator, or designee, to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet or fraction thereof of street frontage. The type of trees shall be consistent with other swale trees along the street and approved by the Town Administrator, or designee. Suggested street trees may be found in the Town of Davie Landscape Materials List.
- e. Necessary accessways from the public right-of-way through all such landscape strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section 12-113.
- f. University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches.
- g. Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.

6. Required landscape buffer for proposed public rights-of-way or private ingress/egress easements. Where a public right-of-way or private ingress/egress easement is proposed that abuts an adjoining property not under the same ownership, a ten-foot landscape buffer shall be provided between the adjoining property and the proposed right-of-way or ingress/egress easement.

Within the landscape buffer, one (1) fourteen- to sixteen-foot tree shall be installed for each forty (40) linear foot of property line, along with a continuous row of hedges.

7. Interior landscape for parking areas. Interior landscaping for all parking and drive areas shall be in accordance with section 12-112.
 8. Sodding. All portions of the development site not occupied by buildings, walkways, or parking and driveways shall be sodded in accordance with section 12-103(J), except that for recycling, scrap metal processing and automobile wrecking yard uses, areas interior to the perimeter wall shall not require sodding but may consist of dirt, asphalt and/or concrete.
- (E) Sodding. All portions of the development site not covered by buildings, walkways, or parking lots shall be sodded in accordance with the Florida-friendly landscape requirements in section 12-103(J) above.

Sec. 12-112. - Landscaping for parking lots.

- (A) In all zoning districts, the total area of interior open space in all off-street parking and circulation areas shall be equal to and not less than fifteen (15) percent of the total paved vehicular use area of the site, including all parking and circulation areas.
- (B) Interior landscaping shall be installed in landscape areas designated and arranged for the explicit purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating parking circulation and service areas.
- (C) Where feasible, parking lots should be designed to be sustainable and to function as part of the developments stormwater management system, utilizing vegetated islands as bioretention/swale areas, at/or below grade and with curb cuts. Existing natural drainage ways and vegetated channels shall be incorporated into the design, rather than the standard soil mounding, continuous concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.
- (D) Landscape areas shall have the following dimensional requirements:
 1. No landscape area shall have any dimension less than ten (10) feet.
 2. Islands in parking bays shall have a minimum size as follows:
 - (a) All terminal islands shall be a minimum width of ten (10) feet and length of eighteen (18) feet of green area, including curbing.
 - (b) All intermediate islands shall be a minimum width of ten (10) feet and length of sixteen (16) feet of green area, including curbing.
 - (c) Every island shall have one (1) tree in addition to one (1) tree for every two hundred (200) square feet of remaining interior landscape area or fraction thereof.
 3. Islands may be consolidated to group trees if the design provides a greater degree of sustainable shade as determined by the Town Administrator, or designee.
 4. Islands or medians shall be provided to separate parking bays from major internal access drives and shall have a minimum width of ten (10) feet, including curbing.
 5. Medians between double parking bays shall be a minimum width of ten (10) feet, not including curbing.
 6. Intermediate islands shall be provided on the following basis:
 - (a) Every tenth space in multifamily residential areas.

- (b) Every twelfth space in all other districts.

Such green spaces shall be at least the size set forth in subsection ~~(C)2(D)2b~~, above; however, such green spaces shall be deemed an additional landscape requirement and shall not relieve the developer of providing the required number of paved off-street parking spaces called for by other provisions of the Town's Code of Ordinances, nor shall any credit be given for open space for these green areas within perpendicular paved parking spaces, except where the town council finds special conditions or site design solutions would dictate that such green spaces be shifted, varied, or waived in part or in whole.

- 7. A list of suggested parking lot trees may be found in the current Town of Davie Landscape Materials List.

Sec. 12-113. - Sight distance for landscaping adjacent to public rights-of-way and points of access.

- (A) When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level of three (3) feet above the ground. No trees or palms shall be planted in this area. Ground cover and shrubs may be placed in the triangle, but shall be maintained at a height not to exceed three (3) feet. Landscaping, except required sod or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement. The triangular areas referred to are:
 - 1. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being twenty-five (25) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.
 - 2. The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangle area being forty (40) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

Sec. 12-114. - Completion of common area, landscape buffers and street trees for all districts.

- (A) All required landscape installation for common areas, landscape buffers and street trees shall be completed for the entire project prior to the issuance of twenty-five (25) percent of the certificates of occupancies or completions.
- (B) A phased landscape plan may be submitted for approval; however, all common areas, landscape buffers and street trees shall be completed for each phase prior to the issuance of twenty-five (25) percent of the certificates of occupancies or completions in each phase.

Sec. 12-115. - Minimum landscaping requirements for outdoor equipment or facilities.

- (A) In all zoning districts, outdoor equipment or facilities (i.e. a/c units, swimming pool equipment, FPL boxes, generators, and aboveground containers) visible from the street, parking lot, driveway, or public access drive shall be screened from view on three (3) sides with shrubs. Shrubs are to be three (3) feet in height and planted twenty-four (24) inches apart at the time of planting. Required access to equipment box doors shall be incorporated into the overall design.

In lieu of shrubs, the outdoor equipment or facilities may be hidden from view from the street, parking lot, driveway or public access drive by a privacy wall of a height necessary to totally block the public view.

- (B) Reserved.

Sec. 12-116. - Trees planted under power lines or telephone lines.

- (A) Trees placed under or near power lines or telephone lines shall be of a species listed in the Town of Davie Landscape Materials List.
- (B) Reserved.

Sec. 12-117. - Buffering and landscaping for telecommunications towers, antenna, related accessory structures and other communication antenna apparatus.

- (1) Buffer requirements. Bufferyard shall be required surrounding all ground mounted telecommunication towers, antennas, related accessory structures or other communication antenna apparatus, as follows:
 - 1. A minimum fifteen (15) feet perimeter landscape buffer shall be provided on all properties with a residential zoning or land use classification, or for parcels planned directly abutting, utilizing minimum setback requirements, a residential zoning district, land use or existing use.
 - 2. A minimum ten (10) feet perimeter landscape buffer shall be provided on all properties with a zoning or land use classification of commercial or land use classification not mentioned herein.
 - 3. A minimum five (5) feet perimeter landscape buffer shall be provided on all sites with a zoning or land use classification of industrial or zoning.
- (2) Fence requirements. All telecommunication facilities or communication antenna apparatus shall be surrounded by a maximum eight-foot-high, green, vinyl clad chain-link fence. The use of barbed wire shall be prohibited. All associated required landscape material shall be placed on the outside of said fencing. The fence requirement may be waived, for a telecommunication tower exclusively, if said telecommunication tower is located separate from related accessory buildings.
- (3) Planting requirements. The planting requirements shall be designed to form a living screen consisting of various layers and heights of plant material. Said material shall consist of the following; groundcover, shrubs, large shrubs and/or small accent trees, and canopy trees and/or palms.
 - 1. Groundcover shall be installed at a minimum quantity equal to one hundred (100) percent of the overall length of the required landscape buffer.
 - 2. Shrubs shall be installed at a height of two (2) to four (4) feet, at time of installation. One (1) shrub shall be required for each eight (8) square feet of required landscape buffer.
 - 3. Large shrubs and small accent trees shall be installed at a height of four (4) to six (6) feet at time of installation, adjacent to said fencing. One (1) shrub and/or tree shall be required for every six (6) linear feet of required landscape buffer. In instances where shrubs can be installed at heights in excess of six (6) feet, the small shrub requirements may be reduced to one (1) small shrub for every ten (10) linear feet.
 - 4. Canopy trees, ten (10) feet minimum in height and/or palms, minimum ten-foot clear trunk, shall be provided for as stated in section 12-111(D)1.(a)(i), (ii), (iii). One (1) canopy tree shall be required every twenty (20) linear feet of required landscape buffer. However, where palms are substituted, one canopy tree is equal to three palms. No more than fifty (50) percent of required trees shall be palms.
 - 5. All other areas within the landscape buffer shall be sodded in accordance with the Florida-friendly landscape requirements in section 12-103(J).
 - 6. All plantings shall match in material and design any existing landscape plantings upon an existing site. Designs shall be encouraged to be natural in appearance. Straight line plantings shall be prohibited. The use of berms shall be required in residential zoning or land use classifications, or any other parcel which meets the requirements of section 12-117(1)1., and encouraged in all other classifications, if adequate space is provided at a maximum slope of 4:1.
- (4) Plant material. Plant materials shall meet the requirements as stated in section 12-103. Native vegetation, as required in section 12-103(D) shall meet, at a minimum, fifty (50) percent native

species. In addition, all plant material shall be one hundred (100) percent drought-tolerant. The Town Administrator, or designee, shall maintain a list of planting material appropriate for said sites.

- (5) Irrigation. All landscape bufferyards shall be automatically irrigated with one hundred (100) percent coverage unless the Town approves an alternative watering system sufficient for the establishment of new drought tolerant plants. Irrigation plans shall be submitted in conjunction with site plan approval or other permit approval process.
- (6) Maintenance. All telecommunication or communication sites shall provide to the town, prior to the issuance of a building permit, a copy of an executed maintenance agreement with the owner of the overall subject site detailing the responsibility for the maintenance of the telecommunications site and repercussions for non-maintenance.

Sec. 12-119. - Education.

- (A) To assist in public information, the education of its citizens, and the effective implementation of this [Article division](#), the Town shall coordinate its efforts with those of the South Florida Water Management District and the Broward County Agricultural Extension Service and other agencies.
- (B) All persons providing landscape maintenance service for hire, including appropriate Town maintenance operation staff, shall be trained in Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries, as amended:
 1. By September 7, 2011, if fertilizer is applied, or
 2. By September 7, 2012, if the business is not involved in the application of fertilizer.
- (C) Any person that applies fertilizer for hire or in the course of their employment shall hold a current Certificate of Completion in the Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries.
- (D) At least one (1) person holding a current Certificate of Completion in the Florida-Friendly Best Management Practices for Protection of Water Resources of the Green Industries shall be present at all times on any job site while work is in progress.
- (E) New employees shall be trained within one hundred eighty (180) days of starting a new position.

Sec. 12-120. - Incentives.

- (A) Any development that provides one hundred (100) percent native/drought tolerant plants shall receive an expedited permit review.
- (B) Individual home owners or residents who are not required to but voluntarily submit a development/landscape design which would meet or exceed the Florida-friendly design principles and standards established by this [Article division](#) shall receive an expedited permit review.
- (C) Business[es] that use the recommended practices may be recognized as a Green Business through the FDEP Green Business Program and may use this in their advertising and promotion.

Sec. 12-121. - Enforcement and monitoring.

The Town shall provide policies and procedures that effectuate this [Article division](#) by February 7, 2011. Until such time the policies and procedures are established, there shall be no enforcement of the requirements of the fertilizer and pesticide sections of this [Article division](#).

Division 2. Prevention of tree abuse.

~~Sec. 26-16. Title:~~

~~This article shall be known and may be cited as the "Town Tree Preservation/Tree Abuse Ordinance."~~

Sec. ~~26-1712-140~~. - Purpose.

The purpose of this ~~article~~ division is to establish rules and regulations governing the protection of trees and ~~vegetation cover~~ tree canopy within the town, ~~promoting and to promote~~ the proliferation of trees and other vegetation ~~in the town~~ in recognition of their importance ~~and meaningful contribution to a healthful, beautiful and aesthetically pleasing community~~ to air quality, the provision of wildlife habitat and natural beauty.

Sec. ~~26-1812-141~~. - Applicability.

The term and provisions of this ~~article~~ division shall apply to all real property located within the town limits, except as provided herein.

Sec. ~~26-1912-142~~. - Definitions.

For the purpose of this ~~article~~ division, the following terms shall have those meanings set forth ~~herein~~ below:

~~Breast height means a height of four and one-half (4½) feet above the natural grade.~~

~~Canopy coverage means the aerial extent of ground within the drip line of the tree.~~

~~*Destruction of the natural habit of growth* means pruning that causes irreparable structural damage and/or permanent disfigurement to a tree such that, even with regrowth, the tree will likely never regain sound structure or the original characteristics of its species, and could pose a future danger to the public or to property; or pruning defined herein as tree abuse.~~

Diameter breast height (DBH) means the diameter of the trunk of a tree measured at ~~breast height~~ four and one-half (4 1/2) feet above natural grade. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

~~Drip line means the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.~~

Effectively destroy means ~~to cause, suffer, allow or permit~~ any act which will ~~abuse~~ cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage intentionally inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents, or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

~~Equivalent replacement means a tree(s) whose condition, size and location is determined by the town administrator, or designee, to be the equivalent of the tree, or trees, which it replaces. In some instances, the equivalent replacement may be more than one (1) tree.~~

~~Equivalent value means an amount of money which reflects the cost of replacing a dicot, monocot or conifer tree. This amount shall be determined based on the market value of an equivalent replacement plus installation.~~

Hatracking means to flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three (3) inches in diameter; or reducing the total circumference or canopy spread not in conformance with the "American National Standards Institute A-300" standards, ~~a copy of which is on file with the development services department~~. Notwithstanding this definition, "hatracking" will not include such necessary tree cutting by authorized utilities providers around power lines or utility lines to prevent disruption of utility service or for safety reasons.

Land clearing means the clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements or access, drainageways, parking lots and other structures, rock mining, and agricultural activities that involve the removal of trees ~~as defined~~regulated by this article.

~~Off-site for tree relocation and tree replacement, means any location in excess of one (1) mile from the tree's original location.~~

~~On-site, for tree relocation and tree replacement, means any location one (1) mile or less from the tree's original location.~~

Protective barrier means fences or like structures at least four (4) feet in height that are conspicuously colored and prevent or obstruct passage.

~~Removal means to cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.~~

~~Replacement tree means any tree used to replace a removed tree. Replacement trees shall have a minimum caliper of three (3) inches, and a minimum height of sixteen (16) feet at the time of planting.~~

~~Specimen tree means any native tree which has a DBH of eighteen (18) inches or greater for conifers, native hardwoods and palms, which is well-shaped and in good health as verified by the development services department; non-native trees which have a DBH of eighteen (18) inches for conifers, hardwoods and palms shall also be considered specimen trees; provided, however, that the following trees are not specimen trees:~~

- ~~(1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to mangoes, avocados, or species of citrus.~~
- ~~(2) Species of the genus Ficus except F. aurea (Strangler Fig), F. laevigata (Short Leaf Fig), F. rubiginosa (Rusty Fig or Rusty Leaf Fig), and F. jacquinifolia.~~
- ~~(3) Paurotis palm (Acoelorrhapha wrightii), and the Phoenix palm (Phoenix reclinata), which are less than fifteen (15) feet in height, and all other multi-trunk palms.~~
- ~~(4) Trees that are in poor condition or form as determined by the Town of Davie.~~

Structure means anything built or constructed on, below or above the land.

~~Substantial deviation means any proposed modification or modifications to a development, a permit, or a permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this article, or any change or proposed change that may result in any impacts on trees not previously reviewed by the development services department as covered by the scope of this article.~~

Tree means any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches and normally grows to an overall height of no less than ten (10) feet in Southeast Florida.

~~For the purpose of this article, the following are not considered trees:~~

- ~~(1) Schinus terebinthifolius (Brazilian pepper tree/Florida holly).~~
- ~~(2) Metopium toxiferum (Poison Wood).~~
- ~~(3) Melaleuca quinquenervia (Cajeput tree/Melaleuca).~~
- ~~(4) Casuarina spp. (Australian pine, all species).~~
- ~~(5) Commercial citrus tree species.~~
- ~~(6) Bischofia javanica (Bischofia, Bishopwood).~~
- ~~(7) Acacia auriculaeformis (Earleaf Acacia).~~
- ~~(8) Araucaria excelsia (Norfolk Island Pine).~~

~~(9) Brassia actinophylla (Schefflera).~~

~~(10) ——— Cupaniopsis anacardiopsis (Carrotwood).~~

Tree canopy means the upper portion of the tree consisting of limbs, branches, and leaves.

~~Tree survey means a document meeting the requirements of 21-HH, F.A.C., and must provide, at a minimum, the following information:~~

- ~~(1) The location, plotted by accurate techniques, of all existing trees numbered in consecutive order.~~
- ~~(2) The common and scientific name of each tree.~~
- ~~(3) The DBH of each tree or, if a multiple-trunk tree, the sum DBH for all trunks.~~
- ~~(4) Canopy coverage.~~

~~Sec. 26-20. — Damage to public property — Notice to development services director.~~

- ~~(a) Whenever and wherever there shall be any tree or trees growing upon any street, alley or right-of-way, or easement within the town in such way and manner that the roots of such tree or trees have destroyed or damaged any sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property, or if any tree or trees shall be growing on any property abutting upon such sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property in such way and manner as to cause destruction or damage of or to such facilities, it shall be the duty of any official or employee of the town having knowledge thereof to immediately notify the development services director or designee of such damage and/or destruction to the property of the town.~~
- ~~(b) Upon receiving notice of such damage or destruction, and if such tree or trees shall be growing upon property of the town, the development services director or designee shall immediately cause such tree or trees to be removed or destroyed. If the tree or trees are growing in the swale area which abuts a private property, it shall be the responsibility of the private property owner to remove such tree or trees at their expense and to replace such tree or trees. The private property owner shall be responsible for the repair of any public property damaged by such tree or trees.~~

~~Sec. 26-21. — Same — Removal of trees on private property.~~

- ~~(a) Upon receiving notice of damage or destruction as set forth in section 26-20 hereof, and if such tree or trees shall be growing upon private property abutting such sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property and causing the damage or destruction thereof, the development services director, or designee, upon receiving such notice, shall immediately notify the owner of such property in writing to cut down, destroy, or remove such tree or trees within ten (10) days of receipt of such notice.~~
- ~~(b) In the event such owner shall fail to cut down, destroy, or remove the tree or trees within ten (10) days, then the development services director or designee shall cause such tree or trees to be cut down, removed, or destroyed by the employees of the town and shall charge the cost thereof against the owner, and the amount to the town shall be a lien upon the property.~~
- ~~(c) In the event the tree or trees have caused damage to public property, the owner of the private property shall be responsible for the cost of the repair of same. The owner shall be invoiced for the repair cost by the town and shall make payment to the town within thirty (30) days. If, after thirty (30) days, payment is not received by the town, the town shall place a lien upon the property for such cost.~~

Sec. 12-144. - Tree trimming service providers.

(a) *Licensing and training.* All businesses (including sole proprietorships) or governmental agencies that perform tree trimming in the Town of Davie must possess a current, valid Broward County Tree Trimmer's license. At each worksite, at all times, at least one (1) person present must carry on their person a current, valid Broward County Tree Trimmer's Licensing Ordinance Training card. Any vehicles engaged in pruning-related activities shall have prominently displayed on each side of the vehicle the following information in bold letters and numerals at least one and one-half (1½) inches high so as to be readily distinguishable from a distance of no less than ten (10) meters (32.8 feet):

- (1) The trade name, symbol or "logo" of the sole proprietorship or business organization utilizing the vehicle for commercial or business purposes;
- (2) The telephone number of the individual owning or operating the business; and
- (3) The Broward County Tree Trimmer License number of the sole proprietor or business organization or governmental agency.

The above information shall be permanently affixed to any vehicle used to conduct business which is over ten thousand (10,000) gross vehicle weight (GVW). Any vehicle under ten thousand (10,000) GVW shall have such required information either permanently affixed to the vehicle or the license holder may provide such information on a magnetic sign. However, any vehicle which utilizes a magnetic sign shall be required to have such sign affixed to the vehicle at all times when business is being conducted. In addition to the above-mentioned requirements pertaining to the Broward County Tree Trimmer's License, all businesses (including sole proprietorships) that perform tree trimming in the Town of Davie must possess a current, valid business tax plus a current annual tree trimmer registration certificate with the Town of Davie. A photocopy of each document must be available for inspection at each job site.

(b) *Professional conduct.* All tree trimming service providers shall conduct all work according to the principles and guidelines set forth in "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements".

Sec. 12-145. - Prohibition of tree abuse; exceptions; administrative appeal.

No person shall abuse a tree located within the town with the following exceptions:

(a) The tree is one (1) of the following species and the abuse does not result in a tree that threatens public safety or adjacent property, as determined by the Town Administrator, or designee:

- (1) *Schinus terebinthifolius* (Brazilian pepper tree/Florida holly).
- (2) *Metopium toxiferum* (poison wood).
- (3) *Melaleuca quinquenervia* (cajeput tree/melaleuca).
- (4) *Casuarina spp.* (Australian pine, all species).
- (5) *Bischofia javanica* (bischofia, bishopwood).
- (6) *Acacia auriculaeformis* (earleaf acacia).
- (7) *Araucaria excelsia* (Norfolk Island pine).
- (8) *Brassia actinophylla* (schefflera).
- (9) *Leucaena leucocephala* (lead tree).
- (10) *Cupaniopsis anacardiopsis* (carrotwood).

- (b) The abuse is necessary to alleviate a dangerous condition posing an imminent threat to the public or property.
- (c) In emergency situations, county, town, or franchised utilities, water management districts, and their authorized agents, may prune trees in a manner that may be defined herein as tree abuse, provided such pruning is necessary to prevent service interruptions or to prevent interference with the operation of water control structures. In the aftermath of the emergency, remedial pruning must be performed in a timely manner to prevent the development of a future hazardous tree condition.
- (d) Shaping of trees to protect property, such as buildings and infrastructure, shall only be allowed at those specific locations where there is adequate evidence, accepted by the Town of Davie, that shaping has occurred historically.

Sec. 12-146. Stop work orders.

Whenever any tree trimming, tree removal, land clearing or similar work is being done by a person not in compliance with this division, the Town Administrator, or designee, may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this division. Any person aggrieved by stop work order issued by Town staff pursuant to this Division may file an appeal to the Town Administrator.

Sec. 12-147. - Remedial actions required for tree abuse.

- (a) Natural habit of growth not destroyed. If a tree is abused without destroying the natural habit of growth, as determined by the Town, the violator shall be responsible for taking such remedial actions that the Town determines are reasonably necessary to aid in the long term recovery of the tree and to protect public safety and property.
- (b) Natural habit of growth destroyed. If a tree is abused to the extent that the natural habit of growth is destroyed, as determined by the Town, the violator shall obtain a tree removal permit pursuant to Division 3, remove the abused tree and complete such corrective action as may be required by the Town pursuant to Division 3. In the event that a person removes a tree from a site without first obtaining a tree removal permit, the violator shall be responsible for obtaining an after-the-fact tree removal permit.
- (d) Minimum standards for replacement trees. Where replacement trees are required, in addition to any other requirements set forth in Division 3, such replacement trees shall have a DBH equal to or greater than the DBH of the abused trees. More than one (1) tree may be utilized for replacement if the aggregate sum of the DBH of the replacement trees is equal to or greater than the abused tree. The tree species, overall height and DBH of replacement tree(s) must adhere to any specifications set forth in the tree removal permit approved in accordance with Division 3.
- (e) Off-site replacement trees. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees may be installed on public lands, if approved by the Town and the applicable public entity (if the public land is not owned by the Town). If no suitable public land is available, the violator shall be required to pay any remaining tree replacement costs into the tree preservation fund, as set forth in Section 12-159.
- (f) Completion of remedial actions. Remedial actions and/or planting of replacement trees required under this section shall be completed within sixty (60) days of the notice from the Town that such action is required, provided that the Town may require the violator to take immediate remedial actions in the event the abused tree is an immediate threat to the public or property.

Division 3. Tree preservation, removal and relocation.

Sec. ~~26-22~~12-150. - ~~Free removal permit—Required.~~Tree removal/relocation permit required.

- ~~(a) At the time a developer makes application for preliminary site plan approval, the developer shall submit a tree survey or tree location plan designating all trees with a caliper inch greater than 3 inches in size, for review by the town. A person shall not cause, suffer, permit or allow the removal of any tree without first obtaining a permit from the town as herein provided. The property owner, owner of an easement and/or person removing a tree without a permit shall be responsible for the violation. The removal of trees in violation of this article is a public nuisance.~~
- ~~(b) Land clearing, where such activities may result in the removal of trees, shall not occur until a tree removal/tree relocation or clearing and grubbing permit has been obtained.~~
- ~~(c) No site development shall be undertaken without first obtaining site plan approval from the town. Clearing of exotic vegetation shall be permitted through the issuance of a clearing and grubbing permit.~~
- ~~(d) Re-landscaping of existing developments which propose to remove greater than twenty (20) percent of the existing trees shall, prior to the issuance of a tree removal/relocation permit, be subject to the site plan review process of the town.~~

Except as set forth in Section 12-152, no person shall remove or relocate a tree, or conduct any land clearing, site development, grubbing or similar activity which would cause the removal or destruction of a tree, without first obtaining a tree removal/relocation permit in accordance with this Division.

Sec. ~~26-23. - Same - Other tree removal permits.~~

- ~~(a) Any person who possesses, on the effective date of this article, a valid town tree removal permit will not be required to obtain a tree removal permit under this article.~~
- ~~(b) Land development activities that do not require a site plan or building permit shall obtain a tree removal permit unless another valid tree removal permit has been obtained prior to the effective date of this article.~~

Sec. 12-151. - Definitions.

- (a) In interpreting the provisions of this Division, if no definition is provided herein and the context permits, the latest editions of the following publications recognized as authoritative in the scientific field shall apply:
- (1) "Tree Protection Manual for Builders and Developers" by the Florida Department of Agriculture Division of Forestry.
 - (2) "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices."
 - (3) "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements."
- (b) As used in this division, the following words and terms shall be defined as set forth below:
- Diameter breast height (DBH)* means the diameter of the trunk of a tree measured at four and one-half (4 1/2) feet above natural grade. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half (4½) feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Drip line means the peripheral limits of the horizontal crown of a tree spread vertically to the ground; provided, however, that the same shall not be less than a circle with a five-foot radius measured from the center of the tree.

Effectively destroy means any act which will cause a tree to die or go into a period of unnatural decline within a period of one (1) year from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage intentionally inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents, or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is fifty (50) percent or greater of the circumference of the trunk, or the removal of sufficient canopy to cause the unnatural decline of the tree.

Hatracking means to flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three (3) inches in diameter; or reducing the total circumference or canopy spread not in conformance with the "American National Standards Institute A-300" standards. Notwithstanding this definition, "hatracking" will not include such necessary tree cutting by authorized utilities providers around power lines or utility lines to prevent disruption of utility service or for safety reasons.

Horizontal plane shall mean an imaginary line that begins at the base of the live frond petioles.

Land clearing means the clearing of vegetation and soils for the purpose of land development activities. This includes, but is not limited to, construction for buildings, rights-of-way, utility easements or access, drainageways, parking lots and other structures, rock mining, and agricultural activities that involve the removal of trees regulated by this article.

Overlift shall mean the removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting.

Protective barrier means fences or like structures at least four (4) feet in height that are conspicuously colored and prevent or obstruct passage.

Prune or trim means to cut away, remove, cut off or cut back parts of a tree.

Shape means the regular and frequent shearing of outer tree branches, making pruning cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.

Shearing means the cutting of many small diameter stems of one (1) inch in diameter or less.

Specimen tree means any native tree which has a DBH of eighteen (18) inches or greater for conifers, native hardwoods and palms, which is well-shaped and in good health as verified by the Town Administrator, or designee; non-native trees which have a DBH of eighteen (18) inches for conifers, hardwoods and palms shall also be considered specimen trees; provided, however, that the following trees are not specimen trees:

- (1) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to mangoes, avocados, or species of citrus.
- (2) Species of the genus Ficus except F. aurea (Strangler Fig), F. laevigata (Short Leaf Fig), F. rubiginosa (Rusty Fig or Rusty Leaf Fig), and F. jacquinifolia.
- (3) Paurotis palm (Acoelorrhaphe wrightii), and the Phoenix palm (Phoenix reclinata), which are less than fifteen (15) feet in height, and all other multi-trunk palms.
- (4) Trees that are in poor condition or form as determined by the Town of Davie.

Structure means anything built or constructed on, below or above the land.

Substantial deviation means any proposed modification or modifications to a development, a permit, or a permit application which, either individually or cumulatively with other changes, creates a reasonable likelihood of additional environmental impact, as covered by the scope of this division, or any change or

proposed change that may result in any impacts on trees not previously reviewed by the Town Administrator, or designee, as covered by the scope of this division.

Topiary means the practice of pruning a tree into an ornamental shape by pruning branches one (1) inch in diameter or less.

Tree means any living, self-supporting, dicotyledonous or monocotyledonous woody perennial plant which has a DBH of no less than three (3) inches and normally grows to an overall height of no less than ten (10) feet in Southeast Florida.

Tree abuse means any of the following:

- (1) Hatracking a tree.
- (2) Destroying the natural habit of tree growth.
- (3) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends.
- (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third (1/3) of the length of the line falls on portions of the tree where bark no longer remains.
- (5) Using climbing spikes, nails or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute, as amended.
- (6) Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended.
- (7) Pruning of live palm fronds which initiate above the horizontal plane.
- (8) Overlifting a tree.
- (9) Shaping a tree.

Tree canopy means the upper portion of the tree consisting of limbs, branches, and leaves.

Tree survey means a document meeting the requirements of 21-HH, F.A.C., and must provide, at a minimum, the following information:

- (1) The location, plotted by accurate techniques, of all existing trees numbered in consecutive order.
- (2) The common and scientific name of each tree.
- (3) The DBH of each tree or, if a multiple-trunk tree, the sum DBH for all trunks.
- (4) Canopy coverage.

Violator means a person who abuses a tree or otherwise violates this division. The owner of the property upon which the abused tree is located shall also be deemed a violator if the tree abuse is undertaken by the owner's employee, agent or person under the owner's control.

Sec. ~~26-2412-152.~~ ~~— Same Tree removal/relocation permits—~~Exceptions.

~~(a) For the purpose of the licensing requirements of this section, the following are exempt:~~

The following situations do not require a Town tree removal/relocation permit:

~~(1) As previously provided for in sections 26-20 and 26-21;~~

(2a) Regulated waters. Removal of tree species occurring in regulated waters, as defined by sections 27-331 to 27-339 of the Broward County Code of Ordinances, when mitigation required by that

permit for the removal of the trees is equal to or greater than the replacement requirements of this ~~article; division.~~

(3b) Nursery operations. All licensed and governmental nurseries shall be exempt from the terms and provisions of this ~~article~~ division, but only in relation to those plants which are planted and growing grown for sale or intended sale to the general public in the ordinary course of business or for public purpose;

(4c) ~~Immediate danger. Removal of any tree that is diseased, injured or in danger of falling, Removal of any tree that, due to disease or other natural causes, has become structurally compromised~~ to the extent that its continued existence threatens the health or safety of contiguous persons or property, provided that the owner of the property can document that such condition(s) existed prior to the removal of the tree. In the case of specimen trees, documentation must be presented to the town within forty-eight (48) hours ~~after of~~ removal;

(5d) Emergency conditions. Under emergency conditions such as hurricanes, war, or other natural disasters of similar scope, county and town utilities, water management districts, improvement districts, county agencies, the state department of transportation, or franchised utilities, except as provided below, may remove a tree or trees in order to prevent interruption of service or to restore interrupted service; ~~or.~~

(6e) Temporary suspensions by the town. During emergency conditions caused by a hurricane or other disaster, the provisions of this ~~article~~ division may be suspended by the direction of the town administrator.

~~(7) Reserved.~~

(bf) Franchised utilities. Removal of trees, except specimen trees, by franchised utilities after the town and the recorded owner of the property on which the tree or trees proposed to be removed are located received notification, delivered five (5) calendar days prior to tree removal, ~~is an exception to the provisions of this article.~~ Tree removal may proceed after the expiration of the five (5) days, providing provided that the utility can prove, prior to tree removal, that:

- (1) The tree or trees will cause a continual disruption of service (specimen palm trees may be removed under this exemption);
- (2) The easement or property was in actual use conveying utilities prior to the effective date of this article; and
- (3) The threat of service interruption cannot be corrected by tree pruning in accordance with the "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements", or palm pruning in accordance with the standards listed in, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended; or
- (4) The removal is for the purpose of providing new/additional on-site service to existing development. Under this provision, notification shall be in writing prior to the tree removal. The franchised utility shall not be required to obtain a permit, but shall comply with all the standards, requirements, and conditions of this section.

(eg) Water management or improvement districts. Removal of trees, except specimen trees, by a water management district or improvement district in or immediately adjacent to canals and lakes operated by the district ~~is an exception to the provisions of this article;~~ providing, provided that the district delivers to the town and to the record owner of the property in which the trees proposed to be removed are located written notification, at least five (5) calendar days prior to the removal of the tree or trees. Tree removal may proceed after the expiration of the five (5) days, providing that the district can prove, prior to tree removal, that:

- (1) The removal complies with all the standards, requirements and conditions, other than permitting and bonding of this ~~article~~ division;

- (2) The canal or water body was excavated in compliance with all applicable regulations or the canal or water body was excavated prior to the effective date of this ~~article~~division;
- (3) The canal is not or was not an agricultural canal or ditch; and
- (4) The tree or trees are causing an immediate disruption of water flow so that the canal cannot function at its designated capacity, or that the canal was in existence, in actual use conveying water, and under a vegetation management program prior to the removal of the tree or trees as shown by a map of the district water management canal or water bodies.

(dh) State department of transportation. Removal of trees, except native and specimen trees, by the state department of transportation, the county, or the town on roads and road rights-of-way maintained by the department ~~[is an exception to the provisions of this article]~~; provided, that the department delivers to the town and to the record owner of the property on which the tree or trees proposed to be removed are located written notification, at least five (5) days prior to the removal of the tree or trees. After the expiration of the five (5) days, the department may remove the tree or trees provided that:

- (1) The removal is necessary because the tree or trees are an actual and immediate traffic safety hazard to individuals using the road(s); and
- (2) The removal complies with all standards, requirement and conditions, other than licensing and bonding of this ~~article~~division; and
- (3) The traffic safety hazard caused by the tree or trees cannot be remediated by pruning in accordance with the "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements", or palm pruning in accordance with the standards listed in, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended.

(i) Prevention or correction of damage to public property.

- (1) Wherever there shall be any tree or trees growing upon any street, alley or right-of-way, or easement within the town in such way and manner that the roots of such tree or trees have destroyed or damaged any sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property, or if any tree or trees shall be growing on any property abutting upon such sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property in such way and manner as to cause destruction or damage of or to such facilities, it shall be the duty of any official or employee of the town having knowledge thereof to immediately notify the Town Administrator, or designee, of such damage and/or destruction to the property of the town.
- (2) Upon receiving notice of such damage or destruction, and if such tree or trees shall be growing upon property of the town, the Town Administrator, or designee, shall immediately cause such tree or trees to be removed or destroyed. If the tree or trees are growing in the swale area which abuts a private property, it shall be the responsibility of the private property owner to remove such tree or trees at their expense and to replace such tree or trees. The private property owner shall be responsible for the repair of any public property damaged by such tree or trees.
- (3) Upon receiving notice of damage or destruction as set forth in paragraph (2), above, and if such tree or trees shall be growing upon private property abutting such sidewalk, curb, gutter, street pavement, bicycle path, water line, sewer line, drainage line or structure, or other property and causing the damage or destruction thereof, the Town Administrator, or designee, upon receiving such notice, shall immediately notify the owner of such property in writing to cut down, destroy, or remove such tree or trees within ten (10) days of receipt of such notice. In the event such owner shall fail to cut down, destroy, or remove the tree or trees within ten (10) days, then the Town Administrator, or designee, shall cause such tree or trees to be cut down, removed, or destroyed by the employees of the town and shall charge the cost thereof against the owner, and the amount to the town shall be a lien upon the property. In the event the tree

or trees have caused damage to public property, the owner of the private property shall be responsible for the cost of the repair of same. The owner shall be invoiced for the repair cost by the town and shall make payment to the town within thirty (30) days. If, after thirty (30) days, payment is not received by the town, the town shall place a lien upon the property for such cost.

(j) Removal of the following invasive/exotic tree species, provided that any such removals also involving land clearing or clearing and grubbing activities shall be conducted only pursuant to a clearing and grubbing permit (see Division 4):

(1) *Schinus terebinthifolius* (Brazilian pepper tree/Florida holly).

(2) *Metopium toxiferum* (poison wood).

(3) *Melaleuca quinquenervia* (cajeput tree/melaleuca).

(4) *Casuarina spp.* (Australian pine, all species).

(5) *Bischofia javanica* (bischofia, bishopwood).

(6) *Acacia auriculaeformis* (earleaf acacia).

(7) *Araucaria excelsia* (Norfolk Island pine).

(8) *Brassia actinophylla* (schefflera).

(9) *Leucaena leucocephala* (lead tree).

(10) *Cupaniopsis anacardiopsis* (carrotwood).

Sec. 26-2512-153. - ~~Same~~ Tree removal permit application Tree removal/relocation permit applications.

- (a) An owner of a fee simple title may apply for a tree removal permit after submitting verified documentation of the fee simple ownership; the agent of the owner, the leasee of the property, optionee, contract purchaser, or holder of an easement may apply for a tree removal permit. A holder of an easement may obtain a permit only when the proposed tree removal is consistent with the use granted by the easement. The town shall require that any tree survey or site plans be prepared by any person qualified to do so under the laws of the state.
- (b) Application for a tree removal permit shall be made on town forms and be, at a minimum, accompanied by the following documents:
- (1) A complete, signed and notarized application form;
 - (2) A map showing the size and location of the site where the permitted activities are to be conducted;
 - (3) A starting date and duration of the proposed permitted activities;
 - (4) A brief description of the work to be performed, including a drawing of the proposed work or a certified site plan as determined by the town, showing the location of all existing or proposed buildings, structures, and site uses;
 - (5) A certified tree survey and site plan of identical scale designating those trees which are proposed to be preserved, relocated, or removed, unless not required by the town; however, in no case shall a tree survey be required when the property contains five (5) or less trees; and
 - (6) The certified legal description of the site.
- (c) Application filing fee.

- (1) Before any application for a permit required under this [article-division](#) is accepted for review, a permit application fee shall be tendered. The amount shall be established by resolution of the town council.
 - (2) The permit application filing fee is not refundable and may not be applied to any permit application other than the one (1) for which it was originally paid.
 - (3) For any substantial deviation from the original application, there shall be an additional fee. The amount of the fee shall be established by resolution of the town council.
- (d) Application for a tree removal permit constitutes consent by the property owner or applicant for the town to conduct site inspections in furtherance of this [article-division](#) on the subject property.

Sec. ~~26-2612-154.~~ - ~~Same~~ ~~Tree removal consideration by town; validity~~ Tree removal/relocation criteria.

~~(a) As a condition precedent to any land clearing and/or site development where any tree removal or relocation is to be conducted, except as otherwise exempted under this article, a person may submit a sworn affidavit to the town that the property the person wishes to develop does not contain trees that are protected. The town may conduct a review or site inspection.~~

~~(b)~~ A tree may be removed or relocated only when an applicant has demonstrated to the town that ~~the proposed development~~ an otherwise lawful development cannot be ~~located~~ conducted on the site without the removal or relocation of the tree, and that there is no practical way to avoid tree removal or relocation. In determining if the applicant may remove or relocate trees pursuant to a tree removal permit, the town shall ~~consider, at a minimum, the following, at a minimum, consider the following:~~

- ~~(1) The Whether the applicant has made every reasonable effort, consistent with the plan of development, to incorporate existing trees and to minimize the number of trees to be removed or relocated.~~
- ~~(2) The Whether the trees proposed to be removed or relocated are the minimum number necessary; and.~~
- ~~(3) The Whether the trees proposed to be removed or relocated are of poor health, poor quality and or poor appearance, are damaging existing improvements, are creating ongoing problems for existing development, or are growing in too close a proximity to other trees to permit normal growth and development of affective [affected] trees consistent with good forestry practice.~~
- ~~(4) Whether the trees proposed to be removed or relocated, are likely to significantly damage existing improvements, where such damage cannot otherwise be corrected or avoided by accepted tree management practices such as root pruning or canopy reduction.~~
- ~~(5) Whether, the trees proposed to be removed or relocated are growing in too close a proximity to other trees to permit normal growth and development consistent with good forestry practice.~~
- ~~(4) The applicant must relocate the trees to be removed. If relocation is not a viable solution, an applicant shall replace removed trees. If it is determined that an applicant can not relocate nor replace removed trees, the applicant shall pay the appropriate fee into the Tree Preservation Trust Fund.~~
- ~~(56) Whether a tree proposed to be removed or relocated is obstructing safe vehicular cross visibility.~~

~~(b) The applicant must relocate the trees to be removed. If relocation is not a viable solution, an applicant shall replace removed trees. If it is determined that an applicant cannot relocate or replace removed trees, the applicant shall pay the appropriate fee into the tree preservation trust fund. As determined by the Town, a tree proposed to be removed must be:~~

- ~~(1) Relocated in accordance with section 12-155; or~~
- ~~(2) Replaced with one or more trees in accordance with section 12-156; or~~

(3) Mitigated in accordance with section 12-159.

- ~~(c) A determination of the extent of environmental impact by the projected development, as covered by the scope of this article, shall be performed by the town. This determination shall be based upon drawings or site plans and a completed tree removal permit application form submitted to the town by the applicant.~~
- (d) The applicant shall be responsible for the relocation of trees removed for utilities, roads, drainage and other services constructed to benefit the property for which the application was filed.
- (e) The permittee shall only remove those trees so specified in the permit. Any damage to any other tree shall be a violation of this ~~article~~ division.
- (f) A tree removal/relocation permit shall only be valid for ~~the development for not more than~~ one (1) year from the date of issuance. A one-time extension of up to six (6) months may be issued, provided there is no substantial deviation from the original application and the permit extension complies with all standards in effect at the time of the permit extension. Additional conditions may be imposed in the permit extension when there is a change in site conditions that may affect trees. Where any activity regulated by the tree removal permit has occurred, the permittee must comply with all conditions of the permit even though the permit has expired.

Sec. ~~26-2712-155~~. - Tree relocation.

- (a) Before the town issues a tree removal permit that allows the replacement of any tree, the applicant must demonstrate that relocation is not a viable alternative. Relocation shall occur either within the site or off-site with the concurrence of the town, where the site is public property, or with the concurrence of the property owner, where the site is private property. ~~If any tree is to be located either on-site or off-site, [a relocation plan shall be submitted. Relocation plans, as required by this section, must first be reviewed and approved prior to granting the tree removal permit. Before a permit is issued for tree relocation, performance bonds may be required to be posted pursuant to section 26-33 of this article.] A tree relocation plan, acceptable to the Town, shall be required for any proposed tree relocation and the Town may require a bond to ensure survivability in the manner set forth in section 12-161.~~
- (b) The following guidelines shall be utilized to ensure successful transplanting or trees designated for relocation:
- (1) Trees shall not be unnecessarily damaged during removal, transport or replanting of the tree.
 - (2) If the tree has a dormant period, they should be transplanted during that time. Trees should not be transplanted during periods of strong winds, dry winter winds or during drought.
 - (3) Adequate spaces for root and crown development shall be provided.
 - (4) Trees shall be root and canopy pruned in accordance with sound arboricultural standards prior to transplanting.
 - (5) During and following transplanting, the root ball and trunk shall be protected. The root ball must be kept moist at all times.
 - (6) Transplanted trees shall be braced for a minimum of one (1) year.
 - (7) Transplanted trees shall not be fertilized at planting time, but shall be watered sufficiently until the tree growth is reestablished.
 - (8) All crown pruning shall be done in accordance with "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance-Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements" or palm pruning in accordance with the standards in, Richard Harris, "Arboriculture Integrated Management of Landscape Trees, Shrubs and Vines", as amended.

Sec. ~~26-2812-156.~~ - Tree replacement and relocation.

(a) ~~Replacement criteria. Trees that are removed and not relocated shall be replaced so that there is, at a minimum, no loss of total caliper inches at the time of replacement. Performance bonds may be required to be posted. The following procedures shall be used to determine the tree replacement requirements:~~Amount and type of trees.

- (1) Existing caliper inches shall be determined by measuring the tree(s) to be removed at a height of fifty-four (54) inches above grade.
- (2) Relocation of trees on-site or within one (1) mile of the site will be counted towards equivalent replacement. Relocation of trees ~~off-site more than one (1) mile from the original site~~ shall be counted as half credit towards equivalent replacement. ~~Guidelines in this article shall be followed for any trees to be relocated. In no case shall credit toward equivalent replacement be granted where trees are relocated outside of the Town of Davie.~~
- (3) A determination of the number, type and quality of trees to be replaced or relocated shall be performed. This determination shall be based upon the total caliper inches of trees to be removed. The caliper inches shall at least equal the caliper inches to be removed.
- (4) Shade/canopy ~~tree(s)~~trees shall only be replaced with a shade/canopy ~~tree(s)~~trees with a minimum DBH of two and one-half (2½) inches and with an overall minimum height of twelve (12) to fourteen (14) feet depending upon the species.
- (5) Palm trees shall be replaced with palm trees of a similar quality, value and height. Replacement palm trees shall be a minimum of twelve (12) to fourteen (14) feet in height overall. Shade/canopy trees may be used to replace a palm tree based on one (1) shade/canopy tree per palm tree to be removed. Replacement shade/canopy trees shall be a minimum of two and one-half (2½) inches in caliper and twelve (12) to fourteen (14) feet in overall height, depending upon species.

~~(a) Deviations from (4) and (5) will be determined by the conditions of the site and the Town of Davie.~~

- (6) Pine trees shall only be replaced with pine trees such that the overall height of the pine tree(s) shall be replaced by one (1) or more pines. Replacement pine trees shall be a minimum of seven (7) feet in overall height. Shade/canopy trees may be used to replace a pine trees based on one (1) shade/canopy tree per pine tree to be removed. Replacement shade/canopy trees shall be a minimum of two and one-half (2½) inches in caliper and twelve (12) to fourteen (14) feet in overall height, depending upon species.
- (7) For tree replacement requirements of one (1) to five (5) trees, a minimum of one (1) species shall be utilized as a replacement tree. For six (6) to ten (10) replacement trees required, a minimum of two (2) species shall be utilized. For eleven (11) to twenty (20) replacement trees required, a minimum of three (3) species shall be utilized. For twenty-one (21) to fifty (50) replacement trees required, a minimum of four (4) species shall be utilized. For fifty-one (51) or more replacement trees required, a minimum of five (5) species shall be utilized.

(8) The Town Administrator or designee may vary from the replacement standards of paragraphs (3) through (7) where necessary to address specific site conditions or good forestry practice.

(b) Minimum standards for tree replacement.

- (1) All trees to be used as replacement trees shall be a minimum quality of ~~Florida No. 1 grade or better~~ Florida Grade No. 1 or better, as described in the Florida Department of Agriculture and Consumer Services Division of Plant Industry publication "Florida Grades and Standards for Nursery Plants".
- (2) ~~Only trees listed in Appendix 1, "Replacement Tree Species" or Appendix 2, "Recommended List of Trees Under Powerlines" shall be used as replacement trees (see Town of Davie Landscape Material List). The applicant shall have the option of choosing the category of trees for replacement, provided that the total caliper inches remains the same, and at least fifty (50)~~

~~percent of the replacement trees are from Category 1. If Category 1 native trees are unavailable, then the Category 2 trees may be used to fulfill this requirement. Replacement trees shall be limited those species as set forth in the Town of Davie Landscape Materials List, as adopted by resolution of the Town Council. The selection of species from the approved list shall be at the discretion of the landowner provided that such selection is consistent with the approved site plan for the development and the requirements of Division 1.~~

- (3) Replacement trees shall not be removed or effectively destroyed unless approval has been granted by a valid tree removal permit. The original permittee and owner of any property on which trees have been replaced or relocated shall place of [on] record a notice that shall inform subsequent purchasers, assigns and occupants of the replacement site that trees on the replacement site may not be removed without a valid tree removal permit.

Sec. ~~26-29~~12-157. - General relocation and replacement conditions.

- (a) Any tree remaining on-site shall not be unnecessarily damaged while relocating trees, planting or preparing the site for any replacement trees.
- (b) Replacement or relocated trees shall not be placed where they will interfere with existing or proposed utilities above or below ground. ~~Acceptable trees that can be planted in the vicinity of overhead power lines are listed in Appendix 2.~~
- (c) Where practicable, replacement tree species, installation methods and maintenance methods shall follow xeriscape principles.
- (d) The permittee shall replace each tree specified in the permit within a time period of up to six (6) months with town approval. A time extension may be granted if future construction will endanger the replacement trees; however, where an extension has been granted, each tree specified in the permit must be replaced prior to approval of a certificate of occupancy or completion.

Sec. ~~26-30~~12-158. - Maintenance and monitoring.

- (a) The permittee shall be responsible for maintaining the health of any replacement or relocated tree for one (1) year from planting.
- (b) Determination of success.
 - (1) The permittee shall determine the condition of each tree one (1) year after the tree was relocated or planted. This determination shall be submitted to the town for approval within thirty (30) days of being made.
 - (2) Should any tree die or be in a state of unnatural decline within one (1) year of being planted or relocated, the permittee shall be required to replace the tree within sixty (60) days of that determination. The one-year monitoring and approval period shall begin anew whenever a tree is replaced. If that replacement tree is found not to be viable at the end of the second-year monitoring period, the permittee may pay the appropriate amount into the tree preservation fund in lieu of planting a third replacement tree. If the permittee fails to replace the tree or to pay the appropriate amount into the tree preservation fund within sixty (60) days, then the permittee shall be in violation of this section.

Sec. ~~26-31~~12-159. - ~~Payment in lieu of replacement or relocation~~ Mitigation via tree preservation fund.

~~When allowed by a tree removal permit, any trees which are removed and not relocated shall be replaced in accordance with the requirements of this article. As a condition of being granted permission to remove any trees, the developer, property owner or other applicant shall be required to replace such trees, unless it is demonstrated that replacement is not a viable alternative due to a lack of available space. Where replacement cannot be accomplished, Where the Town determines that replacement trees cannot be provided pursuant to Sections 12-155 or 12-156, the applicant shall pay a replacement fee in lieu of actual tree replacement costs into the tree preservation trust fund. Except for specimen trees, which are~~

governed by Section ~~26-3212-160~~, tree replacement costs shall be determined by the schedule of tree mitigation values ~~pursuant to Section 26-44~~, adopted by resolution of the Town Council.

Sec. ~~26-3212-160~~. - Specimen trees.

~~Projects containing specimen trees are subject to the following additional criteria: Specimen trees are subject to the preservation and relocation criteria of this article.~~ If it is determined by the town that ~~tree relocation of a specimen tree~~ is not feasible, then payment shall be made into the tree preservation fund. Payment shall be based on the value of the tree or trees, determined by the Guide for Plant Appraisal, Ninth Edition, 2000. The town will then calculate the number of replacement trees required to equal the appraised value to the specimen tree removed. This calculation shall include the purchase price of the replacement tree plus installation cost. The cost of the evaluation shall be borne by the owner of the property.

Sec. ~~26-3312-161~~. - Bond requirements.

- (a) Bonds, as required by this article, shall be in the form of letters of credit, certificates of deposit, cash bonds, bonds issued by a insurance company legally doing business in the state, or other acceptable means agreeable to the town attorney. Letters of credit or certificates of deposit shall be drawn upon banks or savings and loans legally and actually doing business in the state. Such bonds must meet the approval of the town attorney. These bonds shall be in addition to any other bond required by any other governmental entity.
- (b) Bonds shall be required for permits involving the replacement of ten (10) or more trees, or the relocation of five (5) or more trees, or for the relocation of any tree with a DBH of ten (10) inches or greater.
- (c) Calculations for the amount of bonds shall be based upon the cost of the job, plus ten (10) percent. A copy of the contract for the job shall be presented to the town in order to verify the bond amount. The bond period shall be for one (1) year from the date of the permit for the relocation or replacement [of trees] and may be extended if the town feels it necessary.
- (d) Release of bonds. Upon successful tree relocation or replacement, as determined by this article, and written approval by the town, bonds shall be released. Where possible, bonds shall be partially released for partially successful relocation/replacement projects, with the amount retained equal to the value of the additional replacement trees required, plus installation and maintenance, plus ten (10) percent.

Sec. ~~26-3412-162~~. - Protection from construction work.

During construction, land development, or ~~lot-land~~ clearing, the contractor and the owner shall adhere to the following requirements:

- (1) Place and maintain protective barriers around the drip line of all trees to be retained on the site to prevent their destruction or damage. The protective barriers shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment. Protective barriers shall be constructed of sturdy material, not flagging or ribbons.
- (2) Do not store or use materials or equipment within the drip line of any tree to be retained on-site.
- (3) Do not discharge or contaminate the soil within the drip line of any tree to be retained on-site with any construction materials that may cause adverse impacts.
- (4) Clearing of vegetation within the drip line of trees designated for preservation shall only be done by hand or light-rubbered wheeled equipment that will not damage tree roots.
- (5) Utilize retaining walls and drywells where needed to protect trees to be preserved from severe grade changes.

- (6) Pruning of trees to be preserved shall be in accordance with the standards for pruning established by the "American National Standards Institute A-300" standards or standards for palm pruning as listed in "Arboriculture Second Edition" by Richard W. Harris, as amended.
- (7) Make no attachments, other than those of a protective and nondamaging nature, to any tree to be retained on-site.
- (8) Do not change the natural grade above the root system within the drip line of any tree to be retained on-site unless it can be demonstrated to the town that it will not damage any tree.
- (9) Any tree designated to be preserved which is damaged during construction shall be repaired or replaced by.
 - (a) Corrective pruning for damage done to tree canopy.
 - (b) Measures such as corrective root pruning, fertilization and soil enhancements for damage to tree roots.

Sec. ~~26-3512-163~~. - Tree preservation fund.

- (a) There is hereby created the town tree preservation fund (the "fund") for the purpose of accepting and dispersing the replacement fees paid to the town as part of the tree removal permit and any other monies deposited with the town for tree preservation purposes. This trust shall solely be used for those items listed in subsection (e).
- (b) The fund shall be continued from year-to-year unless specifically terminated by the town.
- (c) All monies received hereunder shall be placed in the fund for, and inure to, the use and benefit of the town and its successors and assigns in interest.
- (d) Trust administration.
 - (1) Fund monies shall be expended, utilized and disbursed only for the purposes designated by this section.
 - (2) All monies deposited hereunder shall be deposited in the fund.
 - (3) Monies obtained hereunder may be accepted on behalf of the town by the Town Administrator, or designee, development services director or designee, and, upon receipt, shall be delivered to the director of finance, which shall cause the same to be deposited in the fund.
- (e) Disbursal of fund monies.
 - (1) Fund monies may be used to obtain and/or install trees, obtain and/or install shrubs or ground cover material, sprinkler systems, and any other items or materials necessary and proper for their preservation, installation or maintenance of plant material.
 - (2) To the extent receipts exceed disbursements, the town will reserve a portion of its general fund unreserved and undesignated fund balance for the difference. Its use shall be restricted as provided in this section.

Sec. ~~26-3612-164~~. - Administrative appeals procedure.

~~The requirements for administrative appeals shall be the same as those indicated in sections 12-312 and 12-313 of the Town Code. Any person aggrieved by an administrative determination of Town staff pursuant to this Division may file an appeal to the Town Administrator.~~

~~Sec. 26-40. - Definitions.~~

~~(a)~~

~~In interpreting the provisions of this article, if no definition is provided herein and the context permits, the latest editions of the following publications recognized as authoritative in the scientific field shall apply:~~

(1)

~~"Tree Protection Manual for Builders and Developers" by the Florida Department of Agriculture Division of Forestry.~~

(2)

~~"The American National Standards Institute A 300, Tree Shrub and Other Woody Plant Maintenance Standard Practices."~~

(3)

~~"Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush Safety Requirements."~~

(b)

~~As used in this article, the following words and terms shall be defined as set forth herein:~~

~~*Destruction of the natural habit of growth* means pruning that causes irreparable structural damage and/or permanent disfigurement to a tree such that, even with regrowth, the tree will likely never regain sound structure or the original characteristics of its species, and could pose a future danger to the public or to property; or pruning defined herein as tree abuse.~~

~~*Enforcement agency* means the development services department of the town is designated to enforce this article.~~

~~*Hatrack* shall mean to sever the leader or leaders, or to prune a tree by stubbing of mature wood.~~

~~*Horizontal plane* shall mean an imaginary line that begins at the base of the live frond petioles.~~

~~*Nuisance species* means tree species set forth under section 26-41.~~

~~*Overlift* shall mean the removal of the majority of the inner lateral branches and foliage thereby displacing weight and mass to the ends of the branches. The alteration of the tree's live crown ratio may be considered as evidence of overlifting.~~

~~*Prune or trim* means to cut away, remove, cut off or cut back parts of a tree.~~

~~*Shape* means the regular and frequent shearing of outer tree branches, making pruning cuts of one (1) inch in diameter or less, for the purpose of controlling the size and shape of the tree canopy.~~

~~*Shearing* means the cutting of many small diameter stems of one (1) inch in diameter or less.~~

~~*Topiary* means the practice of pruning a tree into an ornamental shape by pruning branches one (1) inch in diameter or less.~~

~~*Tree*. See definition of "tree" in section 26-19.~~

~~*Tree abuse* means:~~

(1)

~~Hatracking a tree;~~

(2)

~~Destroying the natural habit of tree growth;~~

(3)

~~Pruning which leaves stubs or results in a flush cut; or splitting of limb ends;~~

(4)

~~Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third (1/3) of the length of the line falls on portions of the tree where bark no longer remains;~~

~~(5)~~

~~Using climbing spikes, nails or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the American National Standards Institute, as amended;~~

~~(6)~~

~~Pruning that does not conform to standards or recommendations set by the American National Standards Institute, as amended;~~

~~(7)~~

~~Pruning of live palm fronds which initiate above the horizontal plane;~~

~~(8)~~

~~Overlifting a tree; or~~

~~(9)~~

~~Shaping a tree.~~

~~*Violator* means a person who abuses a tree or otherwise violates this article. The owner of the property upon which the abused tree is located shall also be deemed a violator if the tree abuse is undertaken by the owner's employee, agent or person under the owner's control.~~

~~(Ord. No. 96-045, § 2, 11-20-96; Ord. No. 99-33, § 2, 9-15-99; Ord. No. 2003-048, § 2, 12-3-03)~~

~~• **Sec. 26-41. Tree trimming service providers.**~~

~~(a)~~

~~*Licensing and training.* All businesses (including sole proprietorships) or governmental agencies that perform tree trimming in the Town of Davie must possess a current, valid Broward County Tree Trimmer's license. At each worksite, at all times, at least one (1) person present must carry on their person a current, valid Broward County Tree Trimmer's Licensing Ordinance Training card. Any vehicles engaged in pruning-related activities shall have prominently displayed on each side of the vehicle the following information in bold letters and numerals at least one and one-half (1½) inches high so as to be readily distinguishable from a distance of no less than ten (10) meters (32.8 feet):~~

~~(1)~~

~~The trade name, symbol or "logo" of the sole proprietorship or business organization utilizing the vehicle for commercial or business purposes;~~

~~(2)~~

~~The telephone number of the individual owning or operating the business; and~~

~~(3)~~

~~The Broward County Tree Trimmer License number of the sole proprietor or business organization or governmental agency.~~

~~The above information shall be permanently affixed to any vehicle used to conduct business which is over ten thousand (10,000) gross vehicle weight (GVW). Any vehicle under ten thousand (10,000) GVW shall have such required information either permanently affixed to the vehicle or the license holder may provide such information on a magnetic sign. However, any vehicle which utilizes a magnetic sign shall be required to have such sign affixed to the vehicle at all times when business is being conducted. In addition to the above-mentioned requirements pertaining to the Broward County Tree Trimmer's License, all businesses (including sole proprietorships) that perform tree trimming in the Town of Davie must possess a current, valid business tax plus a current annual tree trimmer registration certificate with the Town of Davie. A photocopy of each document must be available for inspection at each job site.~~

(b)

Professional conduct. All tree trimming service providers shall conduct all work according to the principles and guidelines set forth in "The American National Standards Institute A-300, Tree Shrub and Other Woody Plant Maintenance Standard Practices", and "Z-133.1 Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush Safety Requirements".

(c)

Stop work orders. Whenever any work is being done by a person not in compliance with this article, a representative of the enforcement agency may order that work be stopped and such persons performing such work shall immediately cease such work. The work may not resume until such time as the person is in compliance with this article.

(Ord. No. 96-045, § 2, 11-20-96; Ord. No. 99-33, § 2, 9-15-99; Ord. No. 2003-020, § 1, 6-4-03; Ord. No. 2003-048, § 2, 12-3-03; Ord. No. 2007-007, § 2, 5-16-07)

Sec. 26-42. Prohibition of tree abuse; exceptions; administrative appeal.

(a)

No person shall abuse a tree located within the town unless one (1) of the following exceptions applies:

(1)

The tree is one (1) of the following species and the abuse does not result in a tree that threatens public safety or adjacent property, as determined by a representative of the enforcement agency:

a.

Schinus terebinthifolius (Brazilian Pepper).

b.

Metpoium toxiferum (Poison Wood).

c.

Melaleuca quinquenervia (Melaleuca, Punk, Cajeput).

d.

Casuarina glauca, equisetifolia and cunninghamiana (Australian Pine).

e.

Brassaia actinophylla (Schefflera).

(2)

The abuse is necessary to alleviate a dangerous condition posing an imminent threat to the public or property.

(3)

In emergency situations, county, town, or franchised utilities, water management districts, and their authorized agents, may prune trees in a manner that may be defined herein as tree abuse, provided such pruning is necessary to prevent service interruptions or to prevent interference with the operation of water control structures. In the aftermath of the emergency, remedial pruning must be performed in a timely manner to prevent the development of a future hazardous tree condition.

(4)

Shaping of trees to protect property, such as buildings and infrastructure, shall only be allowed at those specific locations where there is adequate evidence, accepted by the Town of Davie, that shaping has occurred historically.

(b)

Any person may apply for an administrative appeal of a decision for this article.

(Ord. No. 96-045, § 2, 11-20-96; Ord. No. 99-33, § 2, 9-15-99; Ord. No. 2003-048, § 2, 12-3-03)

~~• Sec. 26-43. Remedial actions required for violations.~~

(a)

~~In the event a person abuses a tree in violation of this article, the violator shall be responsible to undertake corrective pruning and/or other remedial actions that the enforcement agency determines are reasonably necessary to protect public safety and property, and to help the tree survive the tree abuse damage if the tree can be remediated and if the tree is not a nuisance species.~~

(b)

~~If the natural habit of growth and/or structural integrity of the tree is severely damaged or destroyed, as determined by the enforcement agency, the violator shall obtain a tree removal permit, remove the abused tree(s) and install replacement tree(s), based upon the mitigation as specified in the permit authorization issued by the enforcement agency.~~

(c)

~~In the event that a person removes a tree(s) from a site without first obtaining a tree removal permit, the violator shall be responsible for obtaining the tree removal permit after the fact and installing replacement tree(s), based upon the mitigation as specified in the permit authorization.~~

(d)

~~Each replacement tree shall be of a non-invasive, non- nuisance species agreed to by the enforcement agency during the tree removal permit authorization process. Replacement trees shall be Florida No. 1 quality or better, as described in the Florida Department of Agriculture and Consumer Services Division of Plant Industry publication "Florida Grades and Standards for Nursery Plants". The diameter of the replacement [tree(s)] shall be equal to or greater than the diameter of the abused tree. More than one (1) tree may be utilized for replacement if the aggregate sum of the diameters of the replacement trees is equal to or greater than the abused tree. Overall height and caliper of replacement tree(s) must adhere to mitigation specifications described in the tree removal permit authorization.~~

(e)

~~Replacement trees shall be installed on-site. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees shall be installed on public lands if approved by the town and the applicable jurisdiction that owns the lands. If no suitable public land is located, the violator shall pay tree replacement costs into the tree preservation fund. Except for specimen trees, which are governed by Section 26-32, tree replacement costs shall be determined by the schedule of tree mitigation values pursuant to Section 26-44.~~

(f)

~~Remedial actions and replacement required under this section shall be completed within sixty (60) days of the notice from the town that such action is required. The town may require the violator to take immediate remedial actions in the event the abused tree is an immediate threat to the public or property.~~

(g)

~~Reserved.~~

~~• Sec. 26-44. Tree mitigation values.~~

~~Except for specimen trees governed by Section 26-32, tree replacement costs shall be determined by a schedule of tree mitigation values adopted by resolution of the Town Council.~~

Division 4. Clearing and grubbing of land.

Sec. 26-51. Title.

~~This article shall be known and may be cited as the "Town of Davie Clearing and Grubbing Ordinance."~~

Sec. ~~26-5212-170~~. - Purpose.

The purpose of this article is to establish rules and regulations governing the clearing and grubbing of land within the town and to ensure the protection of natural resources valuable to the town. These resources include the protection of wildlife, preservation of wetlands, and preservation of trees.

Sec. ~~26-5312-171~~. - Applicability.

The terms and provisions of this article shall apply to all real property located within the town limits. Non-commercial parcels or lots independent of larger development that are less than one (1) acre in size shall not be subject to these requirements. Individual single-family lots are exempt from these regulations; however, single-family and planned unit developments are not exempt. Tree preservation ordinance and all other landscape requirements shall remain applicable to all developments as described in the tree preservation and landscape ordinance.

Sec. ~~26-5412-172~~. - Definition. (Reserved).

~~The definition of "land clearing", as stated in section 26-19, shall also apply to clearing and grubbing of land.~~

~~Clearing and grubbing means the preparation of land for development, involving the removal or significant disturbance of vegetation, roots and topsoil. For purposes of this definition, development includes but is not limited to construction of buildings, parking areas, streets, trails, utilities, drainage systems, rock mining and agricultural activities involving the removal of trees regulated by this article.~~

Sec. ~~26-5512-173~~. - Permit—Required.

- (a) All clearing and grubbing of land shall require a clearing and grubbing permit prior to commencement of said work.
- (b) Except as provided in Section ~~26-5612-174~~, a clearing and grubbing permit shall only be approved for the purpose of carrying out the removal of vegetation and/or soil consistent with an approved site plan. If the proposed clearing and grubbing area includes any tree species which would require a tree removal or tree relocation permit, such clearing and grubbing permit shall only be approved after the issuance of a tree removal/relocation permit.
- (c) A clearing and grubbing permit shall be obtained from the engineering division with review by both the planning and zoning division and engineering division. The applicant shall include the following information:
 - (1) ~~Tree preservation plan, prepared by a registered landscape architect or licensed arborist, to include the information as required in section 26-25(b) and the following:~~
 - a. ~~Trees to be preserved in place, trees to be relocated, and trees to be removed, including their replacement canopy calculations.~~
 - b. ~~Trees which will be relocated or allowed to remain on site must be must be evaluated by a certified arborist who is trained in tree hazard assessment. Details for each tree must be included along with recommendations for required remediation.~~
 - c. ~~A tree removal/relocation permit will be required for all trees which will be removed from or relocated on the property according to guidelines set forth in sections 26-22 through 26-27. Mitigation will be required as described in sections 26-28 through 26-36Tree removal/relocation permit (or complete tree removal/relocation application if being reviewed concurrently with a clearing and grubbing application).~~
 - (2) Wildlife protection plan to include at the minimum the following:

- a. A submittal, as required in section ~~26-1, "Requirements for wildlife protection prior to land clearing,"~~12-176, demonstrating that said site does not serve as habitat for rare, threatened or endangered species or species of special concern or a mitigation plan shall be provided.
 - b. A list, prepared by a licensed animal relocation specialist, of all animal species identified on site and methods of relocation.
- (3) Wetlands identification: In order for the town to ensure the retention and preservation of wetlands, licenses and/or permits from the appropriate governmental entities must be submitted to the town for review, prior to the issuance of clearing and grubbing permit, as follows:
- a. In the event no wetlands are present, a conceptual review letter or binding letter is required from Broward County Department of Planning and Environmental Protection (DPEP) stating there are no wetlands present.
 - b. In the event wetlands are present, a wetland permit from DPEP shall be required to ensure the protection of wetlands during the clearing of land. Pursuant to federal and state regulations, for wetlands over one-half-acre in size, the applicant shall also provide evidence of permit approvals from both the South Florida Water Management District and the Army Corps of Engineers.
- (4) Sediment and erosion control plan shall include the following: Prior to the issuance of a clearing and grubbing permit a sediment and erosion control plan shall be submitted as part of the permit application. Said plan shall be prepared by a registered engineer and shall indicate how and by which mechanism, all sediment and erodible land will be controlled during the clearing of the land so as not to impact roadways, waterbeds and/or wetlands.
- (5) In the event that the town reasonably finds it necessary and/or desirable to have the applicant's plans and/or information and/or property reviewed and/or investigated by an expert and/or experts in connection with the applicant's plans and/or information submitted by the applicant, then in that event, as part of the application process, the applicant shall be obligated to pay the town the costs and fees of the expert and/or experts utilized by the town in reviewing, investigating, reporting, consulting and attending meetings concerning the plan(s) and/or information and/or property reviewed and/or investigated before receiving a permit under this section.

Sec. ~~26-56~~12-174. - Permit—Exemptions.

~~In cases regarding the exclusive removal of non-native invasive species for grazing of livestock, agricultural uses, or at the request of the town administrator or designee upon a determination that the site creates a nuisance as defined in section 12-33(T), a clearing and grubbing permit may be issued prior to site plan approval provided all the information is included as stated above, and upon the approval of the Town Administrator or designee.~~

- (a) A clearing and grubbing permit shall not be required for the removal of any non-native, invasive exotic plant species which may conflict with a lawful agricultural use.
- (b) The Town Administrator shall have the authority to approve a clearing and grubbing permit prior to approval of a site plan where:
 - (1) Such work is necessary to correct a nuisance, as defined in section 12-33(U).
 - (2) Such work is reasonably necessary to prepare land for marketing and development consistent with the current zoning or to help prevent or control invasive exotic plant communities. This is not intended to allow the creation of stormwater management areas, building pads or other changes to the drainage characteristics of the land.

Sec. ~~26-57~~12-175. - Permit—Application.

A "clearing and grubbing permit" shall be applied for through the engineering division. The cost of the permit shall be five hundred dollars (\$500.00) per acre, or fraction thereof.

Sc. ~~26-112-176~~. - Requirements for wildlife protection prior to land clearing.

(a) Definitions. For the purposes of this article, the following words shall have the meanings herein described:

Endangered species: Any species of fish or wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat or over-utilization for commercial, sporting, scientific or education purposes. Said species shall be those set forth in section 39-27 of the Florida administrative code, as same may be amended form time to time.

Qualified field biologist or ecologist: A firm or individual currently certified to be professionally competent or capable to perform habitat assessments in South Florida by a nationally recognized organization or otherwise acceptable to the Florida Freshwater Fish and Game Commission, Non-Game Wildlife Division. The ~~development services director~~ Town Administrator, or designee, shall determine the adequacy of the professional qualifications of such persons based upon the foregoing criteria.

Rare species: Those species of fish or wildlife that are so designated by ordinance by the town council of the town from time to time. A list of rare species is provided in section ~~26-212-177~~.

Species of special concern: Any species of fish or wildlife that are not currently threatened or endangered but are the subject of special concern because of potential habitat loss or over-utilization for commercial, sporting, scientific or educational purposes and have been designated as such by the Florida Freshwater Fish and Game Commission as set forth in section 39-27.005 of the Florida administrative code, as same may be amended from time to time.

Threatened species: Any species of fish or wildlife naturally occurring in Florida that may not be in immediate danger of extinction, but exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification or loss of habitat or over-utilization for commercial, sporting, scientific or educational purposes. Said species shall be those set forth in section 39-27.004 of the Florida administrative code, as same may be amended from time to time.

(b) Applicability. No permit shall be issued by the building department authorizing any land clearing or development of any land within the town; unless and until the developer has demonstrated by complying with the requirements of this Code that the parcel proposed for land clearing or development does not serve as a habitat for a rare, threatened or endangered species or a species of special concern.

(c) Submittals. A developer may demonstrate that a parcel proposed for land clearing or development does not serve as habitat for rare, threatened or endangered species or a species of special concern by submitting each of the following three (3) items to the town:

- a. Affidavit by the current chief officer or head of the developer entity that he/she has:
 - i. Made diligent search and inquiry of the personnel of the developer entity and of the field biologist and/or ecologist;
 - ii. That the Affiant has been advised or made aware of the following facts and opinions, both favorable and unfavorable, which concern endangered species and/or rare species and/or species of special concern and/or threatened species within the boundaries of the property to be developed and contiguous to the boundaries of the property to be developed, which facts and opinions include, but are not limited to: land cover or other conditions likely to serve or potentially likely to serve as habitat for any rare, threatened or endangered species or species of concern, the adverse or potentially adverse impact or harm or potential harm to any individual rare, threatened or endangered species or species of special concern:

- iii. That this Affidavit contains all facts and opinions that Affiant has been made aware of after diligent search and inquiry, and that all such facts and opinions are contained in the Affidavit, both favorable and unfavorable;
 - iv. Affiant's job title for the developer entity is: _____ ;
 - v. That the Affidavit is being given as part of the development process, and is material, and is given under penalty of perjury.
- b. Affidavit by the field biologist or ecologist selected by the developer that he/she has:
- i. Made diligent search and inquiry of the personnel of the developer entity;
 - ii. That he/she has performed a study which is considered to be a sufficient study within the standards of the profession of the Affiant, which profession is _____, in order to come to the opinions given to the Town of Davie concerning the property to be developed and (if applicable) the contiguous property to the property to be developed;
 - iii. That the Affiant has been advised or made aware of the following facts and opinions, both favorable and unfavorable, which concern endangered species and/or rare species and/or species of special concern and/or threatened species within the boundaries of the property to be developed and contiguous to the boundaries of the property to be developed, which facts and opinions include, but are not limited to: land cover or other conditions likely to serve or potentially likely to serve as habitat for any rare, threatened or endangered species or species of concern, the adverse or potentially adverse impact or harm or potential harm to any individual rare, threatened or endangered species or species of special concern:

_____ ;
 - iv. That this Affidavit contains all facts and opinions that Affiant has been made aware of after diligent search and inquiry, and that all such facts and opinions are contained in the Affidavit, both favorable and unfavorable;
 - v. That the Affidavit is being given as part of the development process, and is material, and is given under penalty of perjury.
- c. Through approval of any one (1) of the following submittals:
- i. Site visit. If the parcel proposed for land clearing or development is less than one (1) acre in size and is surrounded on at least fifty (50) percent of its boundaries by developed land, is not contiguous to any property which exhibits or contains land cover or other conditions likely to serve as habitat for any rare, threatened or endangered species or species of special concern, which when added to the parcel equals one (1) acre or more, an affidavit that a qualified field biologist or ecologist has visited the site and is of the opinion that the parcel does not serve as habitat for any rare, threatened or endangered species or a species of special concern;
 - ii. Field assessment. A preliminary field assessment of the parcel proposed for land clearing or development together with an affidavit, prepared and sworn to by a qualified field

biologist or ecologist, stating that a field inspection of the parcel proposed for land clearing or development indicates that there is no reasonable likelihood that the parcel serves as habitat for any rare, threatened or endangered species or species of special concern. For the purpose of this preliminary field assessment the presence of land cover likely to serve as habitat for any such species shall be deemed to be evidence that the parcel proposed for land clearing or development is likely to serve as habitat for such species;

- iii. Site survey. A detailed site survey of the parcel proposed for land clearing or development, prepared and sworn to by a qualified field biologist or ecologist, that demonstrates that the proposed character, location and magnitude of the proposed land clearing or development is such that it will not have an adverse impact or result in any harm to any individual rare, threatened or endangered species or a species of special concern;
- iv. Mitigation plan. A mitigation plan, prepared and sworn to by a qualified field biologist or ecologist, demonstrating that the proposed land clearing or development will not result in the taking of any rare, threatened or endangered species or species of special concern, and the survival and/or flourishing of each and every population of any rare, threatened or endangered species or a species of special concern, individuals of which are found on the parcel proposed for land clearing or development, is assured notwithstanding the proposed land clearing or development.

(d) Current information. Affidavits, site surveys, or field assessments must be current to within thirty (30) days of the date of application for permit. Should a permit expire, or should a period of seventy-five (75) days elapse between the date of issuance of the initial permit and any subsequent permit, the developer shall be required to have the affidavit, site survey, or field assessment updated or a new affidavit, site survey or field assessment performed prior to the renewal of the permit, commencement of work or issuance of a new permit.

Sec. ~~26-212-177~~. - Rare species.

The following table provides a listing of species identified as rare within Broward County by the Florida Committee on Rare and Endangered Plants and Animals (FCREPA). FCREPA's rare designation is for those species that are potentially at risk because they are found only within a restricted geographic area or habitat in the state, or, are sparsely distributed over a more extensive range.

RARE PLANTS AND ANIMALS

| Common name (Scientific name) | Habitat | Counties |
|---|----------------------------------|--|
| BIRDS (*breeds in these counties only) | | |
| Egret, reddish (<i>Egretta rufescens</i>) | coastal strand, mangrove keys | Broward, Charlotte*, Collier*, Dade*, Indian River*, Lee*, Martin, Monroe*, Palm Beach, Sarasota*, St. Lucie |
| Hawk, short-tailed (<i>Buteo brachyurus</i>) | mixed woodland and savanna | Regionwide |
| Kite, white-tailed (<i>Elanus leucurus</i>) | grasslands | Broward, Dade |

| | | |
|--|---|---|
| Nighthawk, Antillean (<i>Chordeiles gundlachii</i>) | open areas | Broward, Dade*, Monroe* |
| Rail, black (<i>Laterallus jamaicensis</i>) | tidal marshes | Regionwide |
| Redstart, American (<i>Setophaga ruticilla</i>) | mature deciduous forests | Regionwide |
| Spoonbill, roseate (<i>Ajaia ajaja</i>) | coastal strand, marshes, slough | Regionwide |
| Vireo, black-whiskered (<i>Vireo altiloquus</i>) | coastal mangrove swamps, hardwood areas | Broward, Charlotte, Collier, Dade, Indian River, Lee, Martin, Monroe, Palm Beach, Sarasota, St. Lucie |
| AMPHIBIANS | | |
| Turtle, leatherback (<i>Dermochelys coriacea</i>) | coastal strand, marine | Broward, Charlotte, Collier, Dade, Indian River, Lee, Martin, Monroe, Palm Beach, St. Lucie |
| INVERTEBRATES | | |
| Ant, Jamaican fungus (<i>Trachymyrmex jamaicensis</i>) | tropical hardwood hammocks | Broward, Monroe |
| Beetle, elongate June (<i>Phyllophaga elongata</i>) | sand pine scrub | Broward, Dade, Highlands, Palm Beach, Polk, Sarasota |
| Beetle, Florida scrub tiger (<i>Cicindela scabrosa</i>) | scrub habitats | Broward, Dade, Highlands, Lee, Polk |
| Beetle, scrub ischyrus (<i>Ischyrus dunedinensis</i>) | scrub species | Broward, Highlands, Indian River |

Source: Florida Committee on Rare and Endangered Plants and Animals; Wildlife in Peril: South Florida.

ARTICLE VII. - PARKING

Sec. 12-205. - Functional elements of on-site circulation system.

(A) Car parking stalls, parking aisles, driveways, reservoir areas and entrances are the basic functional elements of the on-site circulation system. Additional elements including, but not being limited to, perimeter roads, rear collector roads, service roads within the proposed development, left-turning lanes, acceleration lanes, traffic lights and frontage roads in the public right-of-way immediately adjacent to the proposed development may also be required. The following regulations shall apply:

(1) Parking stalls and aisles:

(a) The minimum size (in feet) of a parking stall space shall be as follows:

1. Standard space. Ten (10) feet by eighteen (18) feet.
2. Parallel space. Nine (9) feet by twenty-three (23) feet.
3. Handicap space. Twelve (12) feet by eighteen (18) feet with a five-foot accessway, except that where two (2) handicapped spaces abut each other, they may jointly use the paved accessway (See Figure 12-205B).
4. Parallel handicap space. Twelve (12) feet by twenty-three (23) feet.
5. Compact space. Nine (9) feet by fifteen (15) feet.

(b) If specifically designated and identified with pavement or curb markings for compact cars only, twenty-five (25) percent of the number of parking stalls required may be compact spaces.

(c) All required parking stalls shall have direct and unobstructed access from a parking aisle. Each required parking stall shall be accessible without driving over or through any other parking stall or loading area. No parking stall shall directly abut a driveway.

(d) No parking stall shall be designed to permit backout parking on public rights-of-way, nor shall parking stalls be located so as to require backing onto a sidewalk, pedestrian crosswalk or other area of high pedestrian concentration.

(e) Parking stalls which abut a landscaped area shall be designed with bumpers, guards, wheel stops or continuous curbing. When surfaced with grass or lawn, the area between the bumpers, guards, wheel stops or continuous curbing shall not apply towards the amount of required landscaping.

(f) When a row of parking stalls is immediately adjacent to a driveway, a minimum backup distance of twenty-five (25) feet is required between the property line and the first stall as shown in Figure 12-205A.

(g) No point of parking stall or aisle shall be closer than five (5) feet to any building or property line.

(h) Parking stalls shall be connected to a parking aisle. No parking stall shall directly abut a driveway.

(i) No parking aisle or system of parking aisles in a parking lot shall connect more than sixty (60) parking stalls.

(j) If an internal circulation plan requires emergency vehicles, garbage trucks or trucks moving to or from a loading area to use a parking aisle, that parking aisle shall be at least twenty-four (24) feet wide.

(k) Access for emergency fire vehicles shall meet the requirements of the development review committee.

- (l) All off-street parking areas shall be so arranged and marked as to provide for orderly, safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined with directional arrows and traffic signs provided as necessary for traffic control.
 - (m) Acceptable plans, must illustrate that proper consideration had been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.
 - (n) Development plans incorporating drive-through facilities shall demonstrate adequate stacking capacity within the drive-through lane so as not to interfere with on-site circulation.
 - (o) No parking stall which is situated in front of an overhead doorway shall be counted toward fulfilling the parking requirements set forth in this code.
 - (p) Handicap parking spaces required by this chapter, the South Florida Building Code, as amended, or Florida Statutes, as amended, shall be identified in accordance with Figure 12-205B.
- (2) Geometric dimensions. Parking stalls and aisles in self-parking facilities shall be designed according to the dimensions in Table 12-205 and as depicted in Figure 12-205A.
- (3) Driveways:
- (a) All parking aisles shall connect to a driveway.
 - (b) A parking lot which exceeds sixty (60) parking stalls shall be designed with at least one (1) two-way directional driveway loop system connecting the entrance to the parking stalls and the principal building.
 - (c) The minimum distance from a driveway to a structure or property line shall be five (5) feet.
 - (d) Access dimension guidelines:
 - 1. Dimension at street; width:
 - a. Minimum (one-way): Fifteen (15) feet.
 - b. Minimum (two-way): Twenty-five (25) feet.
 - c. Maximum: Thirty-five (35) feet.
 - 2. Turn radius:
 - a. Minimum: Ten (10) feet.
 - b. Maximum: Thirty (30) feet.
 - (e) Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to both enter and leave the property, facing forward, at the same time. A driveway that is only wide enough for one-way traffic shall not be used for two-way access.
- (4) Circulation design. A parking lot abutting a trafficway shall be designed for full circulation. A parking lot abutting a street other than a trafficway may be designed for partial circulation.
- (5) Parking and loading areas to be curbed. Except for one- and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks along sidewalks, safety islands, driveways, sight distance triangles and other places as needed, unless determined to be unnecessary by a finding of the site plan review committee and approval by the council that given the particular circumstances of the site such curb can be eliminated in certain areas without creating safety hazards. The raised curb shall be constructed in such a manner as to facilitate proper drainage and prevent vehicles from crossing sidewalks or other pedestrian walkways other than by means of approved driveway approach.

- (6) Sight distance. When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all improvements including landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between three (3) feet and six (6) feet, provided, however, trees or palms having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed, provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover shall not be located closer than six (6) feet from the edge of any accessway pavement. The triangular areas above referred to are:
- (a) The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two (2) sides of each triangle being twenty-five (25) feet in length from the point of intersection and third side being a line connecting the ends of the other two (2) sides.
 - (b) The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being forty (40) feet in length along the abutting public right-of-way lines, measured from their point of intersection and the third side being a line connecting the ends of the outer two (2) lines.

TABLE 12-205. MINIMUM AISLE DIMENSIONS AT VARIOUS PARKING ANGLES

| A Parking Angles (degrees) | B Aisle Width (in feet) |
|----------------------------------|-------------------------------|
| 0 | 13 |
| 20 | 12 |
| 22.5 | 12 |
| 30 | 13 |
| 40 | 13 |
| 45 | 16 |
| 50 | 16 |
| 60 | 19 |
| 70 | 20 |
| 75 | 23 |
| 80 | 24 |

Note: Dimensions are for one-lane, one-way direction movement. Two-way direction or two-lane, one-way direction movement requires a minimum aisle of twenty-four (24) feet regardless of parking angle.

(7) Electric vehicle charging stations. Electric vehicle charging stations shall be installed in conformance with the provisions of this section.

(a) Definitions.

Charging level means the standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:

1. Level 1: Alternating current slow charging (voltage is at least 120 volts)
2. Level 2: Alternating current medium charging (voltage is between 120 volts and 240 volts)
3. Level 3: Direct current fast charging (voltage is greater than 240 volts)

Electric vehicle means any vehicle that operates, either partially or exclusively on electrical energy from an off-board source, which is stored on-board the vehicle for motive purpose.

Electric vehicle charging station means a public parking space that is continually served by stationary battery charging equipment that has as its primary purpose the transfer of electric energy to an electric vehicle.

(b) Applicability.

1. **New Developments.** Electric vehicle charging stations, with a minimum Level 2 charging capability, shall be required as set forth in paragraph (c) for all new developments involving multi-family residential and commercial uses.
2. **Site Plan Modifications.** Developments approved prior to the adoption of the requirements of this section shall be required to comply with the standards set forth in paragraph (c) where an expansion of 25 percent or more of the gross floor area of commercial development is proposed.

3. Waiver. The Town Council shall have the authority to waive or modify the requirements of paragraph (c) upon a showing that the provision of electric vehicle charging stations is not practicable for the proposed new development or site plan modification due, for example, to the availability of electric vehicle charging stations nearby, the nature of the proposed use or to the particular circumstances of pre-existing site conditions.

(c) Required number of electric vehicle charging stations.

| <u>TOTAL NUMBER OF PARKING SPACES PROVIDED</u> | <u>REQUIRED ELECTRIC VEHICLE CHARGING STATIONS</u> |
|--|--|
| <u>1-25</u> | <u>0</u> |
| <u>26-50</u> | <u>1</u> |
| <u>51-200</u> | <u>2</u> |
| <u>201-500</u> | <u>4</u> |
| <u>More than 500</u> | <u>6</u> |

(d) Electric vehicle charging station design. Each required electric vehicle charging station shall include a sign identifying the parking space as an “Electric Vehicle Charging Station”.

(e) Planning for future demand. In order to accommodate the anticipated growth in market demand for electric vehicles, the following are encouraged but not required.

1. New single-family residential homes are encouraged to plan for or provide a 220-240-volt/40 amp outlet on a dedicated circuit in close proximity to the garage or other designated vehicle parking to accommodate the future installation of a Level-2 or higher charging station for each required parking space.
2. New or substantially modified multi-family, commercial and other developments utilizing common parking areas are encouraged to plan for and install such conduits and other infrastructure, including electrical equipment rooms or space, as may be necessary to for the future installation of Level-2 or higher charging stations to serve at least two percent of the total number of parking spaces provided.

DIVISION 3. - AMOUNT OF OFF-STREET PARKING

Sec. 12-208. - Requirements for off-street parking.

- (A) Minimum Requirements: The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:
- (1) Auction houses: One (1) space for each four (4) fixed seats, plus one (1) space for each forty (40) square feet of non-fixed seating area, plus one (1) space for each two hundred (200) square feet of gross floor area not accounted for in fixed or non-fixed seating area.
 - (2) Bars, lounges, taverns, dance halls, night clubs. One (1) space for each forty (40) square feet of ~~bar or lounge space~~customer service area and one (1) space for each two hundred (200) square feet of employee service area.
 - (3) Child care center, day nursery, kindergarten, preschool. One (1) space for each 5 children based on licensed child care capacity plus 1 space per 300 square feet of office area. In addition, a minimum of three stacking spaces shall be provided adjacent to the front entrance.
 - (4) Bowling alley. Five (5) spaces for each alley plus one-half the requirement for any restaurant, bar or lounge area.
 - (5) Churches. One (1) space for each thirty (30) square feet of auditorium or chapel area, plus one (1) space for each Sunday School classroom.
 - (5a) Flexible space office/warehouse developments. One (1) space for each four hundred fifty (450) square feet of gross floor area. For developments over 400,000 square feet in floor area and constructed prior to November, 2000, one (1) space for each five hundred and forty (540) square feet of gross floor area. Developments qualifying for this use shall contain a multiple-tenant mix of offices and active or passive warehouses within any given building, and may contain research and development uses, with office comprising not more than fifty (50) percent of the gross floor area of the development. Principal retail and food service uses comprising more than five (5) percent of the gross floor area of the development shall be calculated separately.
 - (6) Dormitories, ~~college, located on campus~~ for student housing: ~~One (1) space for every two (2) beds.~~ On-campus housing: 0.85 spaces per bed. Off-campus housing: 0.85 spaces per bed or separately leasable bedroom (whichever is greater) plus ten (10) percent for guest parking.
 - (7) Dwelling, single-family. Two (2) spaces for each dwelling unit, except as otherwise provided in section 12-82.
 - (8) Dwelling, two-family (duplex) and multiple-family. One and one-half (1½) spaces for one (1) bedroom unit; two (2) spaces for two (2) bedroom units; and two and one-half (2½) spaces for three (3) bedrooms or more; plus one (1) guest space for each ten (10) units or part thereof; except as otherwise provided in section 12-82.
 - (9) Game room, amusement arcade, pool hall. One (1) space for each two hundred (200) square feet of gross floor area.
 - (10) Golf course. Four (4) spaces per green plus one (1) space for each two hundred (200) square feet of gross floor area of clubhouse plus additional spaces as required for other accessory uses.
 - (11) Golf driving range, archery and other type target ranges. One and one-half (1½) spaces for each target position plus one (1) space for each one hundred (100) square feet of building area.
 - (12) Golf miniature. Four (4) spaces for each green plus additional spaces as required for accessory uses.
 - (13) Hospitals. One (1) space for each patient bed plus one (1) space for each one thousand (1,000) square feet of gross floor area.

- (14) Manufacturing, wholesale warehousing, and industrial uses, including recycling, scrap metal processing and automobile wrecking yards. One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.
- (15) Medical, dental, chiropractic, etc. clinics: One space for each two hundred (200) square feet of gross floor area.
- (16) Mobile home parks, trailer courts or parks: Two (2) spaces for each site plus one (1) space for each two hundred (200) square feet of office area.
- (17) Motels, tourist homes. One (1) space for each guest room plus one (1) space for each two hundred (200) square feet of office area plus parking as required for accessory uses.
- (18) Hotels. One (1) space for each two (2) guest rooms, plus one (1) space for each three (3) persons to the maximum designed capacity of each public meeting room, plus, one-half (½) the requirements for accessory uses, such as restaurants and bars.
- (19) Motor vehicle, boat, recreational vehicle, farm machinery and construction equipment sales and service. One (1) space for each one hundred fifty (150) square feet of repair, office and showroom plus one (1) space for each five hundred (500) square feet of outdoor display area.
- (20) Mortuaries; funeral homes. One (1) space for each four (4) seats in chapel and viewing areas plus one (1) space for each four hundred (400) square feet of gross floor area. In no case shall there be less than twenty-five (25) parking spaces provided.
- (21) Special residential facilities. For Category 1 facilities, treat as single-family dwelling. For Category 2 facilities, one (1) space for each three (3) beds. For Category 3 facilities, one (1) space for each three (3) beds plus one (1) per employee per shift.
- (22) Offices, business, professional, governmental, financial institutions and commercial banks, Telemarketing centers. One (1) space for each three hundred (300) square feet of gross floor area. Telemarketing centers shall be one (1) space for each one hundred (100) square feet of gross floor area.
- (23) Places of public assembly, such as auditoriums, exhibition halls, bingo parlors, dance halls, skating rinks, sport arenas, community centers, libraries, gymnasiums, museums. One (1) space for each four (4) fixed seats, plus one (1) space for each forty (40) square feet of non-fixed seating area, plus one (1) space for each two hundred (200) square feet of gross floor area not accounted for in fixed or non-fixed seating area.
- (24) Private clubs, lodges, fraternal buildings, union halls. One (1) space for each fifty (50) square feet of gross floor area.
- (25) Recreational vehicle park. One (1) space for each recreational vehicle and/or tent site plus one (1) space for each two hundred (200) square feet of permanent building area.
- (26) Repair shops, excluding major vehicle and boat repair: One (1) space for each two hundred (200) square feet of gross floor area.
- (27) Restaurant, drive-in, fast food and takeout. ~~One (1) space~~ Twelve (12) spaces for each ~~fifty (50)~~ 1,000 square feet of gross floor area ~~and shall be exclusive of required drainage and/or septic tank and septic drainage areas.~~
- (28) Restaurants (general, specialty). One (1) space for each eighty (80) square feet of dining area. For the purpose of this section, restaurants that serve beer and or liquors having more than ten (10) percent of the seating around a bar shall adhere to the parking requirements for bar, etc.
 - (28.1) Restaurant, without bar service for alcoholic beverages. Sixteen (16) spaces for each 1,000 square feet of gross floor area.
 - (28.2) Restaurant, with bar service for alcoholic beverages. Sixteen (16) spaces for each 1,000 square feet of gross floor area.

- (29) Retail centers (including any combination of retail stores, personal service shops, gyms, household repair or equipment shops, interior decoration shops, gift and card shops, grocery stores).
- (a) Up to fifty thousand (50,000) square feet: One (1) space for each two hundred fifty (250) square feet of gross floor area.
 - (b) Fifty thousand one (50,001) to one hundred fifty thousand (150,000) square feet: One (1) space for each two hundred twenty-five (225) square feet of gross floor area of retail center, which may include up to twenty (20) percent restaurants/bars.
 - (c) One hundred fifty thousand one (150,001) to six hundred thousand (600,000) square feet: One (1) space for each two hundred twenty-five [(225)] square feet of gross floor area of retail center, which may include up to twenty-five (25) percent restaurants/bars.
 - (d) Over six hundred (600,000) square feet: One (1) space for each two hundred twenty-five [(225)] square feet of gross floor area of retail center, which may include up to twenty-five (25) percent restaurants/bars.
- (30) Roominghouses, boardinghouses, dormitories or fraternities. One and one-half (1½) spaces for each rental sleeping room plus two (2) parking spaces for the owner/operator.
- (31) Schools, elementary or middle, public, private or parochial. Two (2) parking spaces for each classroom plus one space for each two hundred (200) square feet of gross floor area not accounted for in classroom or hallway areas.
- (32) Schools, senior high, public, private or parochial. Two (2) parking spaces for each classroom plus one (1) parking space for each five (5) students of design capacity, plus one (1) space for each two hundred (200) square feet of gross floor area not accounted for in classroom or hallway areas.
- (33) Schools, colleges public, private or parochial. Two (2) spaces for each classroom plus one (1) space for each three (3) students of design capacity, plus one (1) space for each two hundred (200) square feet of gross floor area not accounted for in classroom or hallway areas.
- (34) Schools, dance, art, martial arts, music, trade, etc. One (1) space for every fifty (50) square feet of classroom or training area.
- (35) Stadiums, race tracks, fairgrounds, circus grounds. One (1) parking space for each five (5) seats plus one (1) space for each two hundred (200) square feet of permanent building area.
- (36) Theaters and other places of assembly having fixed seats except churches and other houses of worship. One (1) parking space for each three (3) seats.
- (37) Warehouses (long-term), self-storage facilities and storage buildings having no other use, and in which no business of any type is conducted. One (1) space for every one thousand (1,000) square feet for warehouses and storage buildings and one (1) space for every two thousand (2,000) square feet of self-storage facilities area. Long-term storage, as indicated, on a site plan, may be considered an accessory to an industrial use at the discretion of the ~~development services director~~ [development services director](#).
- (37.1) Warehouse distribution centers having no public wholesale or retail areas. Thirty-five-one-hundredths (0.35) spaces per one thousand (1,000) square feet of warehouse area or seventy-eight-one-hundredths (0.78) spaces per warehouse employee for the maximum number of such employees per shift, whichever is greater. Administrative offices associated with a warehouse distribution use shall be calculated using the "office" parking generation rate.
- (38) Wholesale stores, home improvement, wholesale clubs. One (1) space for each two hundred fifty (250) square feet of gross floor area.
- (39) Yacht manufacturing and repair, and marinas. One (1) space for one thousand three hundred (1,300) square feet of solid roofed area.

- (40) Research and development. One (1) space for each three hundred (300) square feet of gross floor area devoted to research and one (1) space for each six hundred (600) square feet devoted to development, as indicated on an approved site plan.
- (41) Beauty salons, day spas. Beauty salons and/or similar types of uses shall be five (5) spaces for each licensed stylist or similar. Day spas shall be one (1) space for each one hundred twenty-five (125) square feet of gross floor area devoted to such use.
- (B) Reserved.
- (C) Fractional Measurements: When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.
- (D) Mixed Uses: In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other uses.
- (E) Overflow Areas: A maximum of twenty (20) percent of required parking, as specified in subparagraphs (A)(5), (20) and (23) above, may be provided in grassed overflow area on the submitted site plan. A maximum of seventy-five (75) percent of required parking as specified in subparagraph (A)(33) may be provided in grassed overflow area. Such overflow areas shall be designated as such on an approved site plan and shall be designed to the criteria set forth in this section. Areas so designated as overflow areas shall not count towards any required landscaping and shall be exclusive of required drainage and/or septic tank and septic drainage areas.
- (F) Measurement: For the purpose of this article, "floor area" shall mean the gross floor area inside of the exterior walls. In hospitals, bassinets shall not count as beds. In stadiums, sport arenas, places of worship and other places of public assembly in which occupants utilize benches, pews or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.
- (G) Off-premises parking: See section 12-202.
- (H) Uses not specifically listed: Where an existing or proposed use is not listed in paragraph (A), above, the town administrator or designee shall have the authority to determine the minimum off-street parking requirement based on the most similar category listed it being the intent to require all uses except agricultural uses to provide off-street parking.
- (I) Individual parking study: The town administrator or designee, shall have the authority to determine the amount of off-street parking for a proposed development based on an individual parking study submitted by a developer but prepared by a qualified professional. The individual parking study may be used to establish the parking ratio for a single use or the total amount of parking for multiple uses based on peak-demand principles. All costs associated with the review and approval of the individual parking study shall be borne by the developer.

ARTICLE VIII. - SIGNS, LIGHTING

DIVISION 1. - SIGNS

Sec. 12-237.6. - Definitions.

For purposes of this division, the following words, terms and phrases shall have the meanings set forth below.

Banner. A sign having characters, letters, symbols or illustrations which is typically nonilluminated, made of or applied to vinyl, plastic or fabric of any kind, with or without a frame, and usually used as temporary display for the special announcement of a coming event. ~~A temporary advertising sign made from corrugated paper or plastic and mounted in the ground with a temporary stake, shall be considered a banner if four (4) feet or less in area.~~

Copy. The wording on a sign surface in either permanent or removable letter form.

Erect. In terms of signage, to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Facade. The elevational surface of a building.

Flags. Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Height, sign. The vertical distance as measured from the grade of the closest street right-of-way which accesses the site and from which the sign is located to the highest point of such sign.

Logo. A symbol representing a whole word or phrase including trademarks and corporate or business identity symbols.

Mural. A picture or photograph painted or applied directly on a wall and which in no way identifies a product.

Noncommercial copy. Any message which does not promote a business or the sale of any product, service or activity. Examples include messages regarding political, social or environmental matters.

Sign. Any object, device, display, structure, supporting structure, or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, county, city, town or religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art that in no way identify a product, or score boards located on athletic fields.

Sign, abandoned. A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

Sign, area of. The total surface of a sign including its background and frame but not structural supporting elements outside its frame. Where a sign is composed of letters, characters or symbols applied to a frame or to a background which provides no border or frame, the area of the sign shall be the smallest rectangle, triangle or circle which will include the sign display.

Sign, auxiliary. A sign that provides special information such as direction, price, sales information, hours of operation or warning, and which does not include names, brand names or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs and signs which list prices of gasoline.

Sign, awning or canopy. A sign that is fastened to an awning or canopy including signs which are attached by metal screws or metal bands and that are hung from, or attached to, the underside and made of any material.

Sign, balloon. A sign supported by wind or air and attached to the ground, a building, structure or other sign.

Sign, construction. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign, development. A sign that by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

Sign, directory. A sign used to identify the tenants of a shopping center and office and industrial parks.

Sign, election campaign. Signs that support a candidates for public office or measures on an election ballot.

Sign, fascia. A sign that is located on the fascia of the building.

Sign, fence. A sign that is located, placed upon or attached to a fence.

Sign, freestanding. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground and not supported by or attached to a building.

Sign, governmental. Any sign used for posting legal notices, identification of streets, traffic regulations, notices of danger, or other emergencies by a governmental authority.

Sign, ground. See definition of "Sign, freestanding."

Sign, illuminated. A sign that has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed and provided for such illumination.

Sign, inflatable. See definition of "Sign, Balloon."

Sign, memorial and plaques. Any sign or tablet used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other noncombustible material.

Sign, messenger. A sign displaying the time, date, temperature or other information.

Sign, model. A sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of a similar design that are for sale.

Sign, noncommercial. A sign which contains only noncommercial copy.

Sign, nonilluminated. A sign that is not illuminated by lights, designed and provided for the purpose, either external or internal.

Sign, off-site directional. A sign that provides off-site directional information following a standard format for important municipal, emergency or educational uses.

Sign, off-premises. A sign that is not located on the same property as the establishment that the sign's message pertains to, or where the product, service or activity is not present, or where the message does not pertain to the use of their site. A sign which contains only noncommercial copy shall not constitute an off-site or off-premises sign.

Sign, onsite directional. A sign indicating the direction or location of some onsite facility or service incidental to a use and not advertising the use in any way. Such signs shall include vehicular entrance and exit signs, vehicular flow signs and instructional signs.

Sign, onsite. A sign that is located on the same property as the establishment that the sign's message pertains to, or where the product, service or activity is present, or where the message pertains to the uses of the site upon which the sign is located. A sign which contains only noncommercial copy shall be deemed to constitute an onsite or onpremises sign.

Sign, painted wall. Any sign that is applied with paint or similar substance on the face of a building wall.

Sign, portable. A permanent sign mounted on a frame and/or chassis, which is designed for easy and repeated relocation.

Sign, real estate. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Sign, roof. Any sign erected upon, against or above the lowest roofline of any building or structure for purposes of these regulations, a mansard shall not be considered part of a roof.

Sign, sandwich. A sign that is movable and not secured or attached directly or indirectly to the ground, structure or building.

Sign, snipe. A temporary sign or poster affixed to a pole, tree, structure, building, fence, etc.

Sign, structure. Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers or sign roofs.

Sign, subdivision entrance or identification. Any sign whose purpose is exclusively limited to the identification of a platted subdivision or residential area, and which names such subdivision or area without further elaboration, display or advertisement.

Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time (thirty (30) or less consecutive days). Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

Sign, trespassing. A sign intended to warn off trespassers upon the property on which the sign is located.

Sign, under-canopy. A sign suspended beneath a canopy or awning, or overhangs which are designed to provide sheltered pedestrian walkways along business storefronts.

Sign, use. The sign(s) permitted for each land use.

Sign, wall. A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall also include those signs that are placed below the outside edge of a building overhang and those that are placed below the lowest roofline. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted nor shall they project more than eighteen (18) inches from the wall surface.

Sign, window. A sign painted or installed on a window surface for purposes of viewing from outside the premises.

Sec. 12-238. - General regulations.

(A) Sign standards and area determination: Sign area shall be defined by the following (also see Illustration 12-238(A) and the general definition of "Sign, area of" in section 12-503):

- (1) In the case of freestanding, awning or canopy and changeable copy signs, the entire surface area of the sign designed for the placement of the message is the sign area. The supporting structure or bracing of a sign shall not be counted as a part of the sign area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area. The area of only one (1) face shall be considered the sign area where double-faced signs with opposing faces have an interior angle of fifteen (15) degrees or less.
- (2) For wall, fascia and graphic signs whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of the entire background.

(B) Sign location and setbacks:

- (1) No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
- (2) No signs, including traffic signs and similar regulatory notices, except those of a duly constituted governing body, shall be allowed to project or be located within road right-of-way nor upon any portion of the right-of-way area of the South New River Canal lying within the town.

- (3) Signs shall be set back from any existing right-of-way line or property line a distance equal to or greater than the sign height except as provided in the Western Theme District. Signs may be located within a required bufferyard along a public street right-of-way, except where otherwise prohibited by this division. No signs, however, shall be located along any side or rear lot line within a required bufferyard.
- (C) Building permits required; exceptions: No person shall erect, alter, or relocate any sign within the incorporated areas of the town without first obtaining a building permit, with the following exceptions:
- (1) Memorial signs and tablets displayed on public property or in cemeteries.
 - (2) Address numerals and signs not exceeding one (1) square foot in area and bearing the names of occupants of the premises.
 - (3) Legal notices.
 - (4) Traffic-control and directional signs; off-street parking signs. The maximum size of such signs shall not exceed three (3) square feet in area each and shall bear no advertising.
 - (5) Governmental signs and governmental entity flags, which are the official flags of the United States, State of Florida, Broward County, the Town of Davie or other recognized governmental agency and which are properly displayed.
 - (6) "No Trespassing" and "No Dumping" signs; provided, that no such sign shall exceed two (2) square feet in surface area.
 - (7) Combined onsite nameplates and addresses for residences, provided, that no such combined nameplate and address sign shall exceed three (3) square feet of combined area.
 - (8) No more than one (1) "Open/Closed" and one (1) "Vacancy/No Vacancy" sign, not to exceed two (2) square feet in area each, may be displayed for each business.
 - (9) The change of copy on permitted changeable copy signs.
 - (10) (Reserved).
 - (11) Temporary signs meeting the standards of section 12-243(D), except as otherwise noted.
 - (12) Window and wall openings signs provided that they adhere to the provisions of section 12-238(D)(1) and (2) of this article.
 - (13) Farm signs, to the extent that such signs are exempt from municipal regulation pursuant to Sec. 604.50, Florida Statutes.
 - (14) A noncommercial sign located in a residentially zoned district not exceeding two (2) square feet in area and three (3) feet in height. No illumination of the sign shall be permitted.
 - (15) Banners and similar temporary signs on town-owned property which are twenty-five (25) square feet or less per face, not prohibited pursuant to section 12-238(J), and approved by the town administrator or his/her designee pursuant to guidelines established by resolution of the town council.
- (D) Window signs:
- (1) Window signs, identifying the business name, address, hours of operation, and telephone number only and consisting of lettering affixed directly to the window surface without a background, shall not exceed five (5) square feet in area.
 - (2) Window and wall opening signs advertising the business, services or products offered on the premises shall be permitted to be the greater of ten (10) square feet or ten (10) percent of the glass area of the facade or wall opening area, and located so as not to extend beyond the exterior edges of the building wall. Window advertising signs and wall opening advertising signs in excess of these requirements, shall be subject to the wall sign limitations contained in section 12-242(B) herein and to the temporary sign limitations continued in section 12-243(D)(5) herein.

- (E) Maintenance: The repainting, changing of parts and preventive maintenance of signs not normally requiring a building permit shall be permitted; provided, however, that such maintenance is consistent with the originally approved sign plan and is otherwise in conformance with this division.
- (F) Spotlights: Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.
- (G) Height/clearance:
- (1) The height of a freestanding sign shall be measured as indicated for the definition of "Height, sign."
 - (2) The clearance of a projecting sign shall be measured from the base of the sign face area to the ground below.
 - (3) The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign area. The top of the sign shall be no higher than the maximum permitted building height.
- (H) Construction and maintenance above roof line prohibited generally: No signs shall be erected, constructed and maintained upon or above the roof line of any building, nor shall any sign be erected, constructed or maintained so as to extend above said roof line, except as herein provided for mansard signs, below, and horizontal rooftop signs in section 12-242(G).
- (I) Mansard signs: A sign attached to or erected against a mansard of a building, with the sign face horizontally parallel to the building wall, is deemed to be a wall sign and not a roof sign, provided said sign further complies with the following limitations:
- (1) The height of a mansard sign shall not be greater than one-half ($\frac{1}{2}$) the vertical distance between the top and bottom of the mansard upon which it is affixed.
 - (2) The sign shall be designed to cover or otherwise obscure from public view all struts, angle irons or other supports to the sign.
 - (3) Mansard signs shall not extend above the highest point nor below the lowest point of the mansard to which it is affixed.
 - (4) Mansard signs shall be in accordance with an approved site plan.
- (J) Signs prohibited in all districts:
- (1) No flashing, fluttering, undulating, swinging, rotating or otherwise moving signs or other decorations shall be permitted.
 - (2) Any sign which, or any part of which, is in motion by any mechanical or electrical means, including fluttering, rotating or other signs.
 - (3) Any sign or message board displaying flashing, alternating or intermittent lights or lights of changing degrees of intensity or changes.
 - (5) Any sign that obscures or interferes with a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
 - (6) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution because of the existence of danger or which is a copy of imitation of or which, for any reason, is likely to be confused with any sign displayed by public authority.
 - (7) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law or as intended in the original design of the building. No sign shall be attached to a stand pipe.
- (7.1) Any sign that obscures or interferes with the approved architectural elements of a building. For example, a sign shall not extend across decorative stucco bands, arches, columns, cornices or similar architecturally distinct features.

- (8) Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.
- (9) Off-premises signs. It shall be unlawful to erect, construct or reconstruct an off-premises sign in any area of the town except that up to ten (10) new off-premises signs may be erected within the Town of Davie, provided that the town council has determined that at least a minimum of five (5) percent of the gross revenues from the advertising on said off-premises signs, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, are directed to nonprofit corporations serving the residents of the Town of Davie, which funds will assist in funding such nonprofit corporation projects serving the interest of the citizens of the Town of Davie, subject to the town council certifying that any potential site upon which these off-premises signs may be erected and the proposed off-premises signs meet the following requirements:
- (a) The off-premises sign is limited in size to fourteen (14) feet by forty-eight (48) feet and is supported by a single pole;
 - (b) The off-premises sign structure under the sign includes a statement that revenues from the sign are used to help a specific non-profit corporation which shall be named in the statement in lettering no less than eighteen (18) inches tall.
 - (c) The off-premises sign is not located within a residential zoning designation, nor is it within one hundred (100) feet of a residential zoning district as measured from the nearest portion of the off-premises sign;
 - (d) The off-premises sign site is located adjacent to the I-595 or I-75 corridors or the Florida Turnpike;
 - (e) The off-premises sign is not located within one thousand five hundred (1,500) feet of a site previously certified by the town council; and
 - (f) Any additional reasonable regulations, including the posting of bonds if deemed necessary by the town council.
 - (g) The town council shall have the right to reject any proposed site notwithstanding the site's compliance with subsections (a) through (f) above. A permit for these off-premises signs shall be issued by the Town of Davie upon submission to the town building department of the following:
 - 1. Certification that the town council has determined that the site and the proposed off-premises sign comply with the requirements of this subsection (9);
 - 2. An executed agreement by a company providing outdoor advertising substantially in the form attached hereto and incorporated herein by reference, together with the requisite evidence that the company has entered into an agreement with a nonprofit corporation to assure that at least five (5) percent of the gross revenues from the advertising on said off-premises signs, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, are directed to said nonprofit corporation to assist in funding such nonprofit corporation's projects exclusively serving the residents of the Town of Davie; and
 - 3. A lease for the proposed site upon which the off-premises sign is to be erected.
 - 4. Plan reflecting that the off-premises sign is no more than sixty (60) feet above the crown of any adjacent, limited-access arterial roadway;
 - 5. Plans reflecting that the off-premises sign placement within the site conforms with the requirements of Chapter 479, Florida Statutes, all other applicable federal, state and county regulations, and municipal regulations, not in conflict with the provisions of this subsection (9).

A certified public accountant serving as an outside auditor to the permit holder shall, at the permit holder's expense, provide to the town on an annual basis a statement verifying revenues from each

permitted sign for purposes of verification of the gross revenues. The town's finance department shall thereafter be authorized to inquire of the certified public accountant as to the statement and to review the work papers of the certified public accountant and verify the findings. For purposes of this subsection (9), gross revenues shall not include monies received for payment of sales tax.

Certification of any site shall terminate one hundred eighty (180) days after certification if a building permit for the sign has not been issued within the one-hundred-eighty-day period. In the event a permittee uses all sites allowable under its agreement with the town, the certification of all additional sites shall then immediately expire.

- (10) Portable trailer signs, either fixed or movable.
- (11) Off-site directional signs except as provided for by section 12-243(B).
- (12) Sandwich signs except in the Western Theme Area.
- (13) Any sign located within a public right-of-way except as provided by this division.
- (14) Wall signs which are painted directly upon walls except as may be permitted in the Western Theme Area.
- (15) Signs as a principal use in any zoning district except as otherwise provided for in this division.
- (16) The posting of any signs on any permanent or temporary structure or building, pole or tree located in any public street right-of-way, public park or other public way or place within the town without town approval.
- (17) Vehicles or other property with "For Sale" signs when located on any public property.
- (18) Signs mounted to fences or walls except as permitted under section 12-242(B) and 12-243(D)(5).
- (19) Temporary signs affixed to permanent signs for a period exceeding thirty (30) days.
- (20) Signs that are painted or mounted on rocks or other natural features or affixed to trees.
- (21) No sign of any character, including any sign advertising the exact nature and kind of business conducted on the premises, shall be permitted for the exhibition, by posting, painting or in any other manner displaying, of any statement, word, character or illustration of any obscene, indecent or immoral nature.
- (22) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public ways.

Sec. 12-239. - Sign lighting and illumination.

Permitted methods of sign lighting and illumination may be divided into several types as described below. Illustration 12-239(1) demonstrates how signs shall be illuminated.

- (1) Non-illuminated. The sign has neither an internal light nor an external light source which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (i.e., parking lot, street or pedestrian area lighting) for illumination.
- (2) Internal illuminated message. The sign is made of metal, wood, or other material that is not translucent, and the message is cut out of the material and replaced with translucent material. The sign's light source is located inside the sign.
- (3) Internal illuminated sign. The sign face is made of translucent material with internal light source.
- (4) Back-lighting. The message is raised beyond the sign's background and the lighting illuminates the sign from behind in the form of back-lighting or reversed channel lighting.
- (5) Shielded spotlight. The sign is lighted by spotlights specifically directed at the sign face. The spotlights are fully shielded so that they are not visible from streets or adjoining property.

- (6) Neon tubing fashioned to form a sign or sign copy. Architectural neon and similar strip lighting that does not constitute a sign or sign copy is regulated by Article VIII, Division 2.

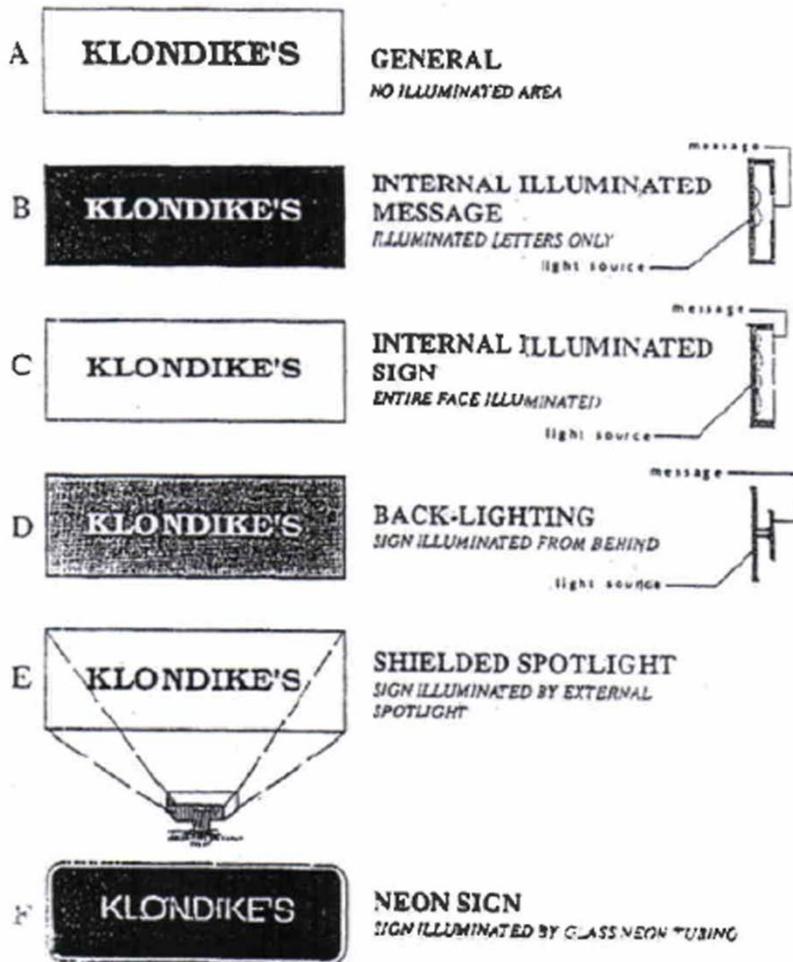


Illustration 12-239(1)

Sec. 12-240. - Signs in shopping centers and office and industrial parks.

~~In shopping centers and office and industrial parks, all signage shall be designed in accordance with an approved signage plan for the development that sets a standard sign design for the entire center or park. The signage plan shall include, at minimum, the following components: limitations on the colors of lettering and background, method of illumination, materials and sign placement. For the purpose of this division, white shall be considered a color. The signage plan shall be enforced by the town as well as by the developer or his legal assignee, and shall conform with the following requirements:~~

~~(A) Shopping centers:~~

~~(1) Typical tenant signage:~~

- ~~(a) Background and border colors: All signs, except anchor signs, shall be on a background of a single color. The same color shall be used throughout the development. One (1) or two (2) colors may be used in the same relationship on all signs as a sign border.~~
- ~~(b) Lettering and logo colors: In addition to the background and border colors, no more than two (2) colors shall be used for lettering in the development, except as provided for in subparagraph (d) below for anchor signs. If a sign includes a logo, the logo is not subject to limitations on color provided it does not encompass more than fifteen (15) percent of the total allowed sign area.~~
- ~~(c) Lighting: All signs attached to a building shall have the same form of lighting throughout the development.~~
- ~~(d) Anchor store signs: These signs shall include those of the anchor store tenants in the shopping center. All such anchor store tenants shall be located in buildings that are either freestanding or accentuated by their height, staggered building lines or other architectural detailing so that the use of different signage does not disrupt the visual continuity of the center.~~
- ~~(e) Service entrance, rear access: Each service entrance or rear access to a business shall be identified by address numerals and name of business; said identification shall not exceed four (4) square feet in size.~~

~~(2) Freestanding and on-site directory signage:~~

- ~~(a) Freestanding signs, as may be permitted pursuant to section 12-241, shall be part of the signage plan approved for the center and shall be compatible with the approved typical tenant sign.~~
- ~~(b) On-site directory signs, not visible from the public right-of-way, may be permitted within the development as a freestanding or wall sign. A maximum of one (1) on-site directory sign may be permitted per roadway entrance, and each sign shall be limited to a maximum of thirty-two (32) square feet in size. Such directory sign(s) shall be compatible with the signage plan approved for the center.~~

~~(B) Office and industrial parks:~~

~~(1) Typical tenant signage:~~

- ~~(a) These uses do not have limited signage colors except where buildings are divided into a series of units with individual outside access and signage. In such cases, signage shall follow the shopping center regulations.~~
- ~~(b) The signage plan shall set forth the permitted mix, in percent of the total sign area allocated to each of the used sign types, between freestanding, wall and fascia signs as permitted in section 12-242.~~
- ~~(c) Each service entrance or rear access to a business shall be identified by address numerals and name of business; said identification shall not exceed four (4) square feet in size.~~

~~(2) Freestanding and on-site directory signage:~~

- ~~(a) Freestanding signs, as may be permitted pursuant to section 12-241, shall be part of the signage plan approved for the center and shall be compatible with the approved typical tenant sign.~~
- ~~(b) On-site directory signs, not visible from the public right-of-way, may be permitted within the development as a freestanding or wall sign. A maximum of one (1) on-site directory sign may be permitted per roadway entrance and each sign shall be limited to a maximum of thirty-two (32) square feet in size. Such directory sign(s) shall be compatible with the signage plan approved for the center.~~

- (A) Comprehensive sign plan. Each shopping center, office park and industrial park is encouraged to have a comprehensive sign plan and to ensure that each tenant is allocated a reasonable amount of sign area and setting forth a limited number of sign colors and sign styles to ensure compatibility among tenants and compatibility with the overall architectural style of the development (as approved by the Town).
- (B) Lighting and illumination: All wall, fascia and awning signs within a center or park shall utilize a consistent form of lighting/illumination throughout the development, utilizing one of the lighting/illumination standards as set forth in section 12-239. The Town Administrator or designee may allow exceptions in the case of single tenant (freestanding) buildings or anchor stores, where the storefront is accentuated by height or other architectural detailing so that the use of different signage does not disrupt the visual continuity of the center.
- (C) Service entrance, rear access: Each service entrance or rear access to a business shall be identified by address numerals and name of business; said identification shall not exceed four (4) square feet in size.
- (D) On-site directory signage. On-site directory signs not visible from the public right-of-way may be permitted within the development as a freestanding or wall sign, utilizing a common theme throughout the development. A maximum of one (1) on-site directory sign may be permitted per roadway entrance and each sign shall be limited to a maximum of thirty-two (32) square feet in size.

Sec. 12-243. - Other sign standards.

- (D) Temporary signs: Temporary signs must conform to all regulations of this section.
 - (1) Election campaign signs: Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:
 - (a) Signs shall not be internally illuminated and shall not exceed sixteen (16) square feet per sign face.
 - (b) Signs shall not be erected or displayed earlier than sixty (60) days prior to the primary or general election to which they pertain; the placement of any such sign requires the permission and consent of the property owner.
 - (c) The political party or candidate, or an authorized agent, deposits with the town clerk the sum of three hundred dollars (\$300.00) for Town of Davie municipal elections, or five hundred dollars (\$500.00) for county elections and statewide or national elections, as a guarantee that all the election campaign signs will be removed within seven (7) days after the date of the election to which the signs relate. Signs erected for a primary election may remain erected until the conclusion of the general election provided that the candidate's name remains on the general election ballot. Signs for unsuccessful primary election candidates must be removed within seven (7) days after the date of the primary election. If the signs are not removed at the end of the seven-day period, the town shall have them removed, with the permission of the landowner as applicable, and be due the appropriate cost recovery fee from the deposit as reimbursement to the town for actual expenses incurred and as identified in town Code section 6-9(c). Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded and the charges due as outlined in Town Code section 6-9(c) will be deducted from the sign bond.
 - (d) The provisions of this section shall not apply to what are commonly referred to as "bumper stickers" or "car-top" signs when such signs are placed on motor vehicle bumpers or tops, respectively.

- (e) No political or election signs of any type or size, advertisements, handbills, or snipe signs shall be placed on public property owned or used by the town or by other governmental agencies or units in the incorporated areas of the town except when permission and consent is provided by the town or governmental agency; unapproved signs shall be removed in accordance with paragraph (f).
 - (f) Candidates will be notified by phone or e-mail of any violation and given 24 hours to cure any violation. Any violation of this section which is not cured by the candidate or their agents within twenty-four (24) hours shall result in the forfeiture of the appropriate cost recovery fee from the deposit required under paragraph (c) above and shall be subject to further ordinance enforcement penalties. Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded.
 - (g) No election campaign sign shall be placed or maintained in a manner that causes it to be a nuisance to the public health, safety or welfare due to its location, state of disrepair, or by placement in the sight triangle as noted in Town Code section 12-113; if any election campaign sign shall be a nuisance, the town is hereby authorized to remove the sign immediately. Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded.
 - 1. No more than ten (10) days after the election to which the signs pertain, a determination will be made by the Code Compliance Division whether all of a candidate's election signs have been removed. If confirmation is received from the Code Compliance Division that all signs have been removed and no violations exist, the town clerk's office will process a refund for any funds that are owed to the candidate.
 - 2. Any signs that remain will be considered in violation and handled in the manner prescribed in paragraph (f) referenced above.
 - (h) Severability. This chapter and its sections hereunder, are hereby declared to be independent divisions, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections and the application of such sections to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections would have been passed independently of such section or provision so known or found to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.
- (2) Real estate signs:
- (a) Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot, except as provided in (d) below. However, when the street frontage of a lot exceeds one thousand two hundred (1,200) lineal feet, one (1) sign per twelve hundred (1200) lineal feet or fraction thereof may be permitted. Real estate signs shall be located entirely within the property to which the signs apply and shall not be directly illuminated. Real estate signs shall be removed within seven (7) days after a deed has been recorded for the same or a lease signed for the rental or lease of the property. Real estate signs shall not exceed the following maximum area requirements:
 - 1. Areas developed for single-family, duplex and single-family attached dwellings: four (4) square feet.
 - 2. For all other districts: thirty-two (32) square feet.
 - (b) Real estate signs shall not be subject to building setback (minimum yard) requirements but shall maintain required clear sight triangles at all driveways and streets.

- (c) In residential districts, a maximum of three (3) signs may be hung from or attached to the approved temporary sign for announcing additional information such as "By Appointment Only," "Sold," etc. A "Sold" sign may be attached to the sign for a period of ten (10) days subsequent to the date of closing. The maximum permitted size of such signs is eight (8) inches by twenty-four (24) inches.
- (d) Residential transitory signs. Residential transitory signs are signs which facilitate garage sales, open houses, moving sales, yard sales, neighborhood meetings, HOA meetings, and the like. These types of signs shall be subject to the following:
 - 1. In addition to one (1) sign at the residence where the activity is occurring, no more than two (2) directional signs may be permitted within the swale area of any two-lane street bounded on both sides by residential properties. Signs shall not exceed four (4) feet in height or four (4) square feet in sign area.
 - 2. Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement. Such signs shall only be staked or pressed into the ground and not attached to utility poles or traffic control signs.
 - 3. (Reserved)
 - 4. Directional signs must be erected and taken down on the same calendar day, but no later than 9:00 p.m.
 - 5. (Reserved)
 - 6. (Reserved)
 - 7. Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the property is required.
 - 8. Town staff shall have the authority to remove any residential transitory sign from a public right-of-way without notice if the sign deemed a safety hazard or if the event to which it pertains has ceased.
 - 9. The name and telephone number of the party responsible for removal of each sign must be clearly displayed on the sign enabling the town to contact the responsible party if necessary.
- (3) Temporary development signs: Temporary signs advertising a pending development may be erected or displayed and maintained; provided, that:
 - (a) The sign copy may include only the following:
 - 1. Name of the project;
 - 2. Nature of the development;
 - 3. General contractor;
 - 4. Architect;
 - 5. Lending institution;
 - 6. Owner or agent;
 - 7. Telephone number; and
 - 8. Price.
 - (b) Such development signs shall not exceed thirty-two (32) square feet in area and may be permitted to be posted from the issuance date of a site development permit up to thirty (30) days after the date the final certificate of occupancy is issued on the site.
- (4) Inflatable advertising devices or signs: Inflatable advertising devices or signs may be allowed, pursuant to a building permit, provided said device or sign meets the following conditions:

- (a) A permit application for an inflatable device shall be accompanied by documentation indicating the approval of the landlord or property owner, if the landlord or property owner is not the permit applicant.
- (b) No more than one (1) inflatable device may be displayed within a shopping center inclusive of outparcels at any one (1) time.
- (c) No more than one (1) inflatable device may be permitted per year per business.
- (d) Such device or sign shall not be permitted to be displayed for a period greater than thirty (30) days.
- (e) Such device or sign must be displayed on the building.

~~(5) Banners:~~

- ~~(a) Purpose and intent. Banners can be an inexpensive, flexible way to advertise and draw attention to a business but they can create a distraction to drivers and visual clutter if not controlled in size and number. In an effort to assist businesses through the present economic challenges, this subsection (5), is intended as a one-year trial program to determine if the provisions for banners in effect prior to March 20, 2013, can be reduced without significantly affecting public safety or community appearance. It is the intent of the town to monitor adherence to this subsection (5) and reinstate more restrictive banner requirements after March 20, 2014, if warranted.~~
- ~~(b) Permit required. A banner may be approved pursuant to a building permit provided that:

 - ~~(1) If located in a shopping center or industrial park, banners must be consistent the Shopping Center/Industrial Park Sign Standards as referenced in Section 12-240.~~
 - ~~(2) A freestanding business shall have no more than one (1) banner on the parcel at any one (1) time, not including banners attached to a building.~~
 - ~~(3) In shopping centers and industrial parks, banners not attached to a building shall be separated by at least fifty (50) feet.~~
 - ~~(4) Banner limitations by size:~~~~

| Area (sq. ft.) | Locations | Limitations on Copy | Time Limit | Subject to Sign Standards per Sec. 12-240 |
|----------------|--|-------------------------------|---|---|
| 16 or less | Building wall, fence, existing sign structure or ground-mounted on temporary pole(s) | None | None | Yes |
| 16 to 24 | Building wall, fence or ground-mounted on temporary pole(s) | None | Up to 4, 30-day periods per year per business, with display periods separated by at least 30 days | Yes |
| 24 to 32 | Building wall or fence | To advertise a grand opening, | Up to 4, 30-day periods per year per business, | No |

| | | | | |
|---|---------------|--|---|----|
| | | special event or special occasion only | with display periods separated by at least 30 days | |
| More than 32, to a max. of 4 sq. ft. per lineal foot of business facade | Building wall | To advertise a grand opening, special event or special occasion only | Up to 4, 30-day periods per year per business, with display periods separated by at least 30 days | No |

(5) Banners:

(a) Permit required. A banner may be approved pursuant to a building permit provided that:

- (1) The purpose of the banner is to advertise a new business or a special sale or event involving the business.
- (2) There is no more than one (1) banner per business at any time.
- (3) The banner is attached to a freestanding building or, in the case of a multi-tenant building, to the façade of the business advertised.
- (4) The area of the banner does not exceed two (2) square feet per lineal foot of business façade (using the longest façade line).
- (5) No business shall display a banner for more than thirty (30) consecutive days nor more than thirty (30) days total in any calendar year. Each banner application must indicate the intended display period. If the application does not specify the intended display period, the permit will be deemed expired thirty-one (31) days after the date of issuance.

(b) Previously issued banner permits. All permits issued between June 5, 2013 and March 1, 2016 related to the one-year trial program for banner signs, as adopted by Section 12-243(D)(5)(a) of Ordinance 2013-12, shall be deemed expired on July 1, 2016.

DIVISION 2. - LIGHTING

Sec. 12-260. - Lighting standards.

(A) Outdoor Activity Areas. All paved parking facilities and paved exterior site areas to be developed in the future, exclusive of driveways, and walkways of single-family, duplex, and triplex lots, shall be illuminated according to the standards contained herein and in section 12-262.

- (1) For the purposes of this section, exterior parking facilities shall include the parking surface of open parking lots and access thereto, and parking areas and other unenclosed areas at grade level for which the parking facilities are a requirement. Garage parking facilities shall include underground, multilevel parking garages, and enclosed grade level parking facilities.
- (2) Intensity of Illumination:
 - (a) For exterior parking facilities, the intensity of illumination shall provide an average maintained illumination of not less than one (1) footcandle, and shall be well distributed in the pavement areas; however, at no point shall illumination be less than one-half (0.5) footcandle of light measured at grade level. The maximum to minimum footcandle level

shall not exceed a twelve to one (12:1) ratio and the average to minimum footcandle level shall not exceed a four to one (4:1) ratio.

(b) Garage parking facilities shall provide an average intensity of illumination of not less than fifty (50) footcandles at the entrance, ten (10) footcandles in traffic lanes and five (5) footcandles in storage areas.

(c) [Reserved.]

(d) The current edition of the "IESNA Lighting Handbook," published by the Illuminating Engineering Society of North America, 120 Wall Street, 17th Floor, New York, NY 10005-4001, is the standard to be used by the architect or engineer as a guide for the design and testing of parking facility lighting. The standards contained therein shall apply unless standards developed and adopted by this section or by the night sky regulations found in section 12-262 or subsequent amendments are more restrictive, in which case the more restrictive standards shall apply.

(3) All required illumination shall be controlled by automatic devices:

(a) For business uses with exterior or garage parking facilities, the required illumination shall be provided at least thirty (30) minutes after the closing time of any establishment served by the parking facility.

(b) Any parking facility that serves a residential use must maintain the minimum levels of illumination established by this section through the use of natural or artificial light twenty-four (24) hours per day.

(4) In order to minimize offensiveness to persons on neighboring property and to eliminate distractions to and temporary blinding of drivers of vehicles passing illuminated property, all artificial parking lot or site area lighting shall be fully shielded in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover, measured at the property line, shall not exceed the following footcandle levels vertical or horizontal illumination onto adjacent properties, light measured at grade level:

| From: | To: | Foot-candle |
|-----------------|-----------------|-------------|
| Non-residential | Non-residential | 1.0 |
| Non-residential | Right-of-way | 1.0 |
| Non-residential | Residential | 0.1 |
| Residential | Residential | 0.1 |

(B) Architectural strip lighting.

(1) Definition. For purposes of this subsection, "architectural strip lighting" refers to strings of lights, neon tubing or similar lighting attached to a building and designed to accentuate the architectural features of a building, specifically excluding decorative lights used for celebration of the December holidays and non-blinking, white lights maintained year-around in operating condition in the Western Theme area.

- (2) Residential areas. Architectural strip lighting shall be prohibited in all residential districts and on buildings developed exclusively for residential use.
- (3) Business and industrial districts. In business and industrial districts, architectural strip lighting is permitted but is subject to review by the site plan committee as to color, location and compatibility with the architectural design of the project and shall be subject to the following:
 - (a) The total length of lighting shall not exceed the width of the building facade along the street frontage.
 - (b) The size of the tubing shall not exceed fifteen (15) millimeters and any transformer shall not be larger than thirty (30) milliamperes.
 - (c) Lighting shall be placed below the lowest roofline and prohibited above the lowest roofline of any building.

Sec. 12-261. - Street lighting.

- (A) System Required: A street lighting system shall be provided as part of the improvements in any new land development project. Town council may waive this requirement within interior roadways of developments for those areas governed by the Rural Lifestyle Regulations based on the need to maintain rural lifestyle conditions. Installation of all underground facilities must be completed before the streets are paved. In addition, all lighting within areas governed by the Rural Lifestyle Regulations shall comply with section 12-297 and section 12-262.
- (B) Design and Construction Standards: All street lighting as required by this article shall conform to the following standards of design and construction:
 - (1) All designs for lighting shall be approved by the town engineer, who will follow, as a minimum, the Illuminating Engineering Society of North America (IESNA) "Standard Practice for Street and Highway Lighting," 1953, for Type III Distribution (latest edition). [Lighting systems that will be dedicated to the Town shall utilize LED or similar high efficiency luminaries with long a minimum five \(5\) year warranty.](#)
 - (2) Wiring for street lighting shall be underground except in areas where primary distribution conductors are overhead. Subject to the approval of the town engineer, the primary poles may be used for streetlights and associated wiring.
 - (3) Developers shall be required to install street lights with a maintained minimum of one-half (0.5) footcandle of light measured at grade level. The maximum to minimum footcandle level shall not exceed a twelve to one (12:1) ratio and the average to minimum footcandle level shall not exceed a four to one (4:1) ratio. Street lights installed before November 20, 1996, shall not be considered in conflict with this section.
- (C) Enforcement of Article:
 - (1) No building permit shall be issued in any new land development project unless the engineering drawings therefore contain adequate provisions for street lighting.
 - (2) No certificate of occupancy shall be issued to any structure until the street lighting is completed and operable and in compliance with the night sky regulations found in section 12-262 or a commitment acceptable to the town has been provided to ensure the timely completion of the lighting.
 - (3) The specific design standards of this section may be waived by the town council where a waiver would not be detrimental to the public health, safety or welfare of the citizens of the town.

ARTICLE X. - PLANNING AND DEVELOPMENT

Sec. 12-306. - Processing.

- (A) Application Submittal: Applications for rezonings, overlay rezonings for open space design, special permits, variances and vacations or abandonments of rights-of-way shall be in the form of a petition filed with the town administrator, or his or her designee, by any qualified applicant.
- (B) Applicants: Qualified applicants shall be limited to the following:
- (1) For rezoning, special permits and variances: The owner or agent of the owner having unified control or a recognizable interest in the property.
 - (2) For vacation or abandonment of rights-of-way: The owner or agent of the owner of the property adjacent to the right-of-way.
 - (3) For town initiated rezoning and vacations: The Davie Planning and Zoning Board, or town council or its designee.
 - (4) For text amendments to the Land Development Code: The town council, the planning and zoning board, the community redevelopment agency (if the proposal is within the CRA boundaries), town administrator and his/her designee. Any member of the public may request a text amendment consistent with the criteria of section 12-307.1 and following the process described in section 12-307.2.
- (C) Application Requirements: Applications shall be submitted to the town on forms provided by the town administrator or his or her designee, along with a fee as set by resolution of the town council.
- (D) On-Site Notification: The applicant shall post a sign on each perimeter street frontage of the land which is the subject of the petition not less than seven (7) days prior to the hearing of the planning and zoning board; provided, however, for rezonings initiated by the town exceeding five hundred (500) acres, this requirement shall not apply. The applicant shall provide digital photos showing sign placement and verifying that the following information is provided:
- (1) Time, place and date of hearings by the planning and zoning board and council;
 - (2) Phone number for information;
 - (3) For rezonings: existing and proposed zoning.
- (E) Supplementary Notification Required for Rezoning, Variances and Special Permits:
- (1) In addition to any requirements of the Florida Statutes, not less than fourteen (14) days prior to the hearing by the planning and zoning board, the applicant shall provide notice by mail to surrounding property owners as follows. Town staff shall provide the applicant a mailing template that includes all required notice information along with a mailing list identifying all property owners within one thousand (1,000) feet of the exterior boundary of the subject parcel of land as indicated on the latest Broward County Tax rolls, provided that the notification distance for variances for single family lots shall be three hundred (300) feet. Notification of property owners outside of the town limits is not required provided that the appropriate governing body is notified. The applicant shall be responsible for the mailing but shall allow the town to verify correctness, either by delivering the stamped, addressed envelopes to the town prior to mailing or by utilizing a USPS-compatible direct-mail system that will provide the town with an electronic verification of the date, time and content of the mailing. The mailing of such notices shall constitute service.
 - (2) In the event the notification area includes land declared to be a condominium under F.S. Chapter 718, then notice to the condominium association shall constitute notice.
- (F) No application for rezoning, overlay rezoning, open space design, special permit, or variance shall be considered by the Town Council if the parcel of land is the subject of an unresolved notice of violation or where the proposal is contrary to a final order issued by the Special Magistrate pursuant to Chapter 6, Division 1 of the Town Code. The Town Council may waive this provision if

the proposed application for rezoning, overlay rezoning, open space design, special permit, or variance serves to resolve or reduce the violation.

DIVISION 3. - BUILDING MORATORIUM (Reserved)

Sec. 12-311. -- Procedures for establishment.

(A) Procedure For Town Administrator or Council:

~~(1) Wherever it shall appear to the town administrator that a specific zoning category or categories or a specific area or areas within the town should be re-examined to determine the effect of development of property as zoned on surrounding areas, or on the entire town's ability to furnish necessary services, or to maintain its existing quality of life, the town administrator shall immediately place the matter on the next town council agenda so that necessary public hearings may be scheduled at the earliest possible time; or~~

~~(2) Whenever it shall appear to the town council that a specific zoning category or categories or a specific area or areas within the town should be re-examined to determine the effect of development of property as zoned on surrounding areas, or on the entire town's ability to furnish necessary services, or to maintain its existing quality of life, the town council shall order that the necessary public hearings be held at the earliest possible time.~~

~~(B) Hearing: The town council shall hold one (1) public hearing, unless additional hearings are required by general law, by its Charter or otherwise, at the earliest possible time.~~

~~(C) Notice If Affects Less Than Five Percent: In cases in which the proposed moratorium involves less than five (5) percent of the total land area of the town, the town council shall direct the town clerk to notify by mail each real property owner whose land will be under the moratorium and whose address is know by reference to the latest tax records. The notice shall state the substance of the proposed moratorium as it affects that property owner and shall set a time and place for one or more public hearings on such moratorium. Such notice shall be given as quickly as practicable and a copy of such notice shall be kept in a separate book, which shall be open to public inspection during the regular business hours of the office of the town clerk.~~

~~(D) Notice If Affects More Than Five Percent: In cases in which the proposed ordinance deals with more than five (5) percent of the total land area of the town, the town council shall provide for public notice and hearings as follows:~~

~~(1) Town council shall hold a public hearing on the proposed moratorium after 5:00 p.m. on a weekday.~~

~~(2) The required advertisements shall be no less than one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the municipality and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. The advertisement shall be in the following form:~~

NOTICE OF PROPOSED MORATORIUM

~~The Town of Davie proposes to impose a moratorium upon the issuance of development permits within the area shown in the map in this advertisement. A public hearing on the proposal will be held on (date and time) at a location within Davie town limits.~~

- ~~(3) The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed moratorium. The map shall include major street names as a means of identification of the area.~~
- ~~(4) In lieu of publishing the advertisement set out in this paragraph, the town clerk may mail a notice to each person owning real property within the area to be covered by the moratorium. Such notice shall clearly explain the proposed moratorium.~~
- ~~(E) Hearing Procedure: At the public hearing, the town council shall inquire into the necessity of a building moratorium and may, by resolution, order that a moratorium be imposed. The town council's determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the area(s) in question and the probability of detriment to the character of the area by the continuation of the existing zoning district(s). The town council shall take into account the existence or possible existence subsequent to development of the property as zoned the following criteria: the existence of schools; sufficiency of parks, open space and recreational facilities; effect upon streets and thoroughfares; availability and deficiency of public transportation facilities; effect upon air and/or water supplies; adequacy of wastewater collection and/or treatment; noise levels; land use distribution; adequacy of other utility services; drainage; possible conflict with the land use element or any other factor which may have a deleterious effect on the quality of life of the residents of the area or of the entire town or of the town's ability to furnish other municipal services.~~
- ~~(F) Resolution and Request for Recommendation: Should the town council, using the criteria set forth in paragraph (E) above, determine that a building moratorium is reasonably necessary, it shall, by resolution, order the same and direct that no building permits be issued within the affected area. The town council's order shall fix a time within which the town administrator shall report back to the town council with his recommendations relating to appropriate zoning districts and/or regulations for the affected area. The time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the area.~~
- ~~(G) Extension of Time for Recommendation: Should the town administrator be unable to report back to the town council within the time prescribed by its moratorium order, upon timely request by the town administrator and only after a duly advertised public hearing with notice thereof as set forth in paragraphs (C) and (D) above, on the need therefor, the town council may reasonably extend the time limitation.~~
- ~~(H) Public Hearing on Recommendations: Upon notification by the town administrator that he is prepared to submit his recommendations relating to the affected area(s), the town council shall call a public hearing(s) thereon at the earliest practicable time, after notice as set forth in paragraphs (C) and (D) above. After said public hearing(s) have been closed, the town council may make its determination as to whether the zoning districts shall remain the same or whether hearings shall be held to consider rezoning. Should the town council determine that the zoning district(s) shall remain the same, it shall immediately issue its order terminating the building moratorium. Should the town council determine the hearings shall be held to consider rezoning of the property(s), or new district(s) created therefor, it shall issue its order continuing the building moratorium and shall immediately initiate the actions required under the law, its Charter or its town Code for such changes.~~
- ~~(I) Termination of Moratorium: Upon the completion of all zoning district changes relating to the affected area(s), the town council shall issue its order terminating the building moratorium.~~
- ~~(J) Additional Public Hearings on Moratorium: Should the town council determine that one or more public hearings should be held as to whether a building moratorium should be imposed, it shall call the same for the earliest practicable date and file notice thereof as set forth in paragraphs (C) and (D) above. Pending the public hearing(s), but using the criteria set forth in paragraph (E), the town council may issue an order prohibiting the issuance of building permits in the affected area.~~
- ~~(K) Building Permit Issuance: Notwithstanding the issuance of any moratorium order, the town council may authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs and the like matters, remodeling or refurbishment of an existing single-family or duplex residential structures that do not involve a change in use, where the town council determines~~

~~that such permit will not affect the outcome of the study, and where said work is done in accordance with all ordinances and laws applicable thereto.~~

~~(L) Application for Variances: During the existence of any building moratorium, no applications for variances, special exceptions or zoning district changes within the affected area shall be acted upon by any town department or board except as provided by the town council in its moratorium resolution.~~

~~(M) Suspension of Building Permits: If a building permit has been issued for any proposed building, structure or other improvement in an area of the town that is subsequently placed under a moratorium, pursuant to the terms of this article, and no actual construction or substantial land scarification has been initiated prior to the initial establishment of said moratorium, said permit shall be suspended at once. The town council shall hold a public hearing as quickly thereafter as possible to determine what effect allowing the permitted construction to proceed will have on the study of the problems that necessitated the moratorium and it shall decide whether to reinstate the permit, to modify the permit, or to continue the suspension of the permit for the term of the moratorium. Notice of said public hearing to the permittee shall be by personal service, if possible, and if personal service cannot be effectuated, it shall be by certified mail, return receipt requested. At said public hearing, the town council shall use the standards set forth in paragraph (E) hereof, and it shall consider the time and expense actually incurred by the permittee in furtherance of its project. At the conclusion of the moratorium, and based upon the findings for the town council, a public hearing may be conducted at the request of the permittee and the town council may revoke, reinstate or modify said suspended permit.~~

~~(N) Issuance for Good Cause Shown: Notwithstanding the issuance of any moratorium order, the town council may authorize the issuance of developmental orders, as defined in F.S. Chapter 380, the allowing of construction to proceed under building permits previously issued, and the filing of applications for variances, special exceptions or zoning district changes within an affected area for good cause shown, provided such issuance, permitted construction or applications are in accordance with all ordinances and laws applicable thereto.~~

DIVISION 7. - PUBLIC PARTICIPATION

Sec. 12-319.6. - Application and requirements.

All applicants submitting applications to the town for approval of a site plan, grant of a special permit, rezoning or land use plan amendment shall prepare and execute a plan for citizen participation. Citizen participation plans ~~shall be submitted to the town's development service department and must be approved by the planning and zoning manager or an appropriate~~ Town Administrator or designee prior to its execution by the applicant. The applicant shall thereafter implement the citizen participation plan at least (7) seven days prior to the development review committee's review of the application and shall submit to the ~~development services department~~ Town a written report setting forth the results of the citizen participation plan procedures at least ten (10) days prior to the first public hearing on the item. In the case of an application for a plat or plat-related amendment concerning the amount or type of development allowed within a plat, where such application is not submitted concurrently with a site plan or is otherwise not required by this section to submit a public participation plan, the Town Administrator or designee shall have the authority to require the applicant to provide mailed notice of the application to surrounding properties where the proposal may materially affect interests of such properties.

ARTICLE XI. - DEVELOPMENT REVIEW PROCEDURES PUBLIC IMPROVEMENTS AND CONCURRENCY DETERMINATIONS

Sec. 12-340. - Development review requirements for site plans and plats.

All site plans and plats must be reviewed by the development review committee, except that the development services director may waive agency review in whole, or in part, under this section upon his determination that such review has already been made regarding the same land and no change in circumstances has occurred which necessitates further review. The director shall keep a record of all such waivers and the reason for waiver.

(A) Establishment of Committee:

- (1) Within the town administration there is hereby established a development review committee having the duties and responsibilities for coordination and review of all site plans and plats.
- (2) The membership of the development review committee shall include representatives of the town engineer, planning and zoning division, building division, parks and recreation department, utilities department, public works department, fire department, ~~and the police department and the Central Broward Drainage District.~~ The town administrator may add such other members to the committee as he may deem necessary to implement this article.

(B) Duties: The duties of the development review committee shall include:

- (1) Review site plan and or plat applications;
- (2) Delineating areas of noncompliance with town development requirements;
- (3) Defining steps necessary to bring permit applications into compliance with development requirements;
- (4) Performing such additional duties as the town administrator may from time to time assign.

ARTICLE XII. - SUBDIVISIONS AND SITE PLANS

Sec. 12-369. - Projects excluded from site plan review.

No such site plan shall be required for the following:

- (1) For one (1) single-family residence. Where the development proposes two (2) or more single-family residences on adjacent lots, a site plan of the overall development shall be submitted, prior to issuance of the first building or engineering construction permit. If the lot is twice the size or more of the minimum lot size, the owner shall provide a letter indicating the proposed use of the remainder of the lot.
- (2) For one (1) two-family residence. Where the developer contemplates two (2) or more two-family residences on adjacent lots, he shall submit a site plan of the overall development prior to issuance of the first building permit. If the lot is twice the size or more of the minimum lot size, the owner shall provide a letter indicating the proposed use of the remainder of the lot.
- ~~(3) Where the permit is for an addition to or alteration of an existing structure which will not increase the overall size thereof more than twenty (20) percent.~~
- (4) Where the permit is to complete or alter the interior of an existing structure or one for which a site plan has previously been approved but has not expired; provided, that such alteration will not increase the parking requirements under applicable ordinances.
- (5) Where the new construction is solely related to an agricultural use.

Sec. 12-371. - Site plan review.

- (A) Development Review Committee Review: The development review committee shall review the application and site plan for conformity with the Town Code, the Redevelopment Plan for projects within the designated redevelopment area pursuant to Florida Statutes 163, Part III, and the Town of Davie Concurrency Management Requirements, as specified in Article XI, and shall compile a list of those corrections and additions, if any, to the site plan which must be made by the applicant in order to proceed for review by the site plan committee.
- (1) The applicant shall have a period of six (6) months from the date of the development review committee meeting at which the site plan was reviewed to submit for review by the site plan committee.
 - (2) An applicant may submit a written request for a two-month extension of the effective six-month time period from the date of the development committee meeting at which the site plan was reviewed. If a written request for an extension is not submitted prior to the expiration of the effective period, the applicant must resubmit in accordance with requirements of this article.
- (B) Site Plan Committee Review: The applicant shall submit seven (7) copies of the revised site plan to the development services department for review to determine if the revised site plan is in conformance with the additions and corrections required by the development review committee and may proceed for review by the site plan committee, whose duties are specified in Chapter 2, Article V, Division 5 of the Town Code.
- (1) Subsequent to review by the development services department of a resubmittal that has been deemed incomplete, the applicant shall resubmit in accordance with section 12-372 of this article.
 - (2) Upon a recommendation to proceed for review by the site plan committee, the development services department shall schedule the site plan on the next most appropriate agenda for review by the site plan committee.
- (C) Town Council Review: Subsequent to review by the site plan committee, [except as otherwise provided in this section,](#) the development services department will schedule the site plan on the next most appropriate agenda for review by the town council. The council shall consider the site plan committee recommendation and all relevant evidence presented by the town and the applicant and may, based upon said evidence, deny, approve or approve with conditions the plan.
- (D) Notwithstanding the above, in the event that the town council's review of any application is unduly delayed by more than three (3) regularly scheduled meetings by site plan committee members, the application shall be transmitted by the development services department to the town council for its deliberation and determination. In the event that members of the site plan committee have indicated their inability to vote upon an application due to a conflict of interest or the appearance of a conflict as indicated with the Florida Statutes and upon the town attorney's determination that these conflicts would effectuate a lack of quorum by the committee with regard to any site plan application, the application shall be transmitted by the development services department to the town council for its deliberation and determination.
- (E) [No application for site plan approval shall be considered by the Town Council if the parcel of land is the subject of an unresolved notice of violation or where the proposal is contrary to a final order issued by the Special Magistrate pursuant to Chapter 6, Division 1 of the Town Code. The Town Council may waive this provision if the proposed site plan application serves to resolve or reduce the violation.](#)

Sec. 12-372. - Site plan submission requirements.

- (A) An application for site plan review shall be filed with the planning and zoning division based on forms provided by the town administrator or his or her designee, along with a fee as set by resolution of the town council. The application shall be signed by the current owner or owners of the property to be developed and the name, signature, address, and telephone number of the developer's or owner's representative who shall be contacted with regard to processing of the application. All signatures shall be notarized.
- (B) The town administrator or ~~his or her~~ designee shall provide applicants with a checklist of all required plans and other materials as needed to facilitate an efficient, thorough review and to demonstrate compliance with all applicable town requirements. Within seven (7) business days of a submittal, the town administrator or designee shall provide the applicant with a written determination of whether the application is complete or incomplete, along with a list of any missing items. Formal review of the application will not commence until the application is deemed complete. When reviewing an application that is certified by a professional listed in F.S. § 403.0877, the town may not request additional information from the applicant more than three (3) times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the town, at the applicant's request, shall proceed to process the application for approval or denial (the foregoing is a requirement of F.S. § 166.033).
- (C) In the Open Space Design Overlay, the following shall be submitted in addition to the requirements as stated above:
- (1) *Yield Plan.* A yield plan shall be presented to town staff, at time of a required pre-application conference to determine the maximum number of permitted dwelling units upon a particular parcel of land. Such plan shall be analyzed by staff based on the underlying zoning district's development regulations, subtracting road rights-of-way, easements, required wetland mitigation, or other natural resource lands from the base site area. In addition, conceptual stormwater retention plans shall also be provided to ensure that any proposed yield plan could be feasibly designed upon the subject site.
 - (2) *Site Context Map.* This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands.

- (3) *Conservation Identification.* In addition, applicants are required to demonstrate that the following design process was performed by a certified landscape architect and considered in determining the layout of proposed street, house lots, and open space.
- (a) *Step One: Identifying Conservation Areas.* Identify preservation lands by two (2) steps. First, primary conservation areas (such as wetlands and floodplains) and secondary conservation area (including mature trees stands, prime farmlands, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the potentially developable area will be identified and delineated. To the maximum extent feasible, the potentially developable area shall consist of land outside identified primary and secondary conservation areas.
 - (b) *Step Two: Locating House Sites.* Locate the approximate sites of individual houses within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the town's historic development pattern. The number of houses enjoying the amenities of the development should be maximized.
 - (c) *Step Three: Aligning the Streets and Trails.* Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
 - (d) *Step Four: Lot Lines.* Draw in the lot lines.

Sec. 12-374. - Modification of site plan.

~~Subsequent to the approval of any development order by the town council that resulted in the imposition of conditions, stipulations, deed and use restrictions or representations by the developer or authorized agent, no modification or change to the aforementioned conditions, stipulations, deed and use restrictions or representations can be considered by town staff or site plan committee when a site plan application is filed in conjunction with the approved development order.~~

- (A) ~~Any Material changes. Except as otherwise set forth in this section, any~~ material change in use of buildings, land or water, or institution of new uses, or alteration of or addition to buildings or structures, or erection of new buildings or structures ~~that is not the result of conditions, stipulations, deed and use restrictions or representations imposed by town council during the approval of a development order shall be in accordance with a new or modified site plan conforming with and approved pursuant to the preceding provisions shall require a new or modified site plan and approval of the Town Council in accordance with section 12-368 except that a supermajority vote of the Town Council is necessary to approve a modification to restrictive covenants recorded in connection with a prior site plan approval.~~

- (B) Non-material changes. The Town Administrator or designee may approve non-material changes to a development as set forth in paragraph (C) below. For purposes of this section, a proposed change shall be considered a non-material change if in compliance with all of the following limitations: An amendment shall be considered a non-material modification if in compliance with each of the following limitations:
- (1) The change is a non-use modification use of the property is not changed;
 - (2) The change is not an alteration that would otherwise change does not require a variance or would not meet the requirements of the Code of Ordinances similar action requiring Town Council approval;
 - (3) The setback or yard shown on the approved site plan for both principle and accessory buildings is not reduced below five (5) percent of that which was approved;
 - (4) The lot coverage is not increased by more than two (2) percent of that which was approved;
 - (5) The spacing between principal and accessory buildings is not reduced below five (5) percent of that which was approved;
 - (6) The height of a building or structure is not increased by more than five (5) feet or the maximum permitted in the district, whichever is less;
 - (7) The floor area ratio gross floor area is not increased by more than two (2) percent of that which was approved, however in no event shall the floor area be increased under this subsection or by more than two hundred (200) square feet, whichever is less;
 - (8) The change or addition of a model dwelling unit having building colors, landscaping, and architectural features similar to other models which were approved New or modified model dwelling units are similar in size and overall quality to previously approved models;
 - (9) Changes to lot configurations in a residential development that do not increase the total number of lots shown on the approved plan;
 - (10) Changes to lot configurations in a residential development that do not reduce the square footage of any lot by more than two (2) percent or five hundred (500) square feet, whichever is less;
 - (11) Changes to lot configurations in a residential development that do not decrease the overall open space on the approved plan;
 - (12) Changes to landscape material, including location, planting techniques, species, or size do not affect the overall quality and function of the previously approved landscape plan as deemed necessary due to availability or site conditions; and
 - (13) Changes that do not substantially decrease the value of or substantially change the character of any improvement or amenity. The character and value of improvements and amenities is not substantially reduced.
 - (14) The changes are consistent with all conditions, stipulations, deed and use restrictions or representations by the developer or authorized agent as part of the prior approval by Town Council.
- (C) Upon considering whether a modification has met the criteria to be deemed a non-material modification, the director of the development services department, or their designee, shall render a decision as to whether the modification shall be reviewed by the town staff and/or the site plan committee. Approval of non-material changes. Upon making a determination that an application involves a non-material change as described in paragraph (B) above, the Town Administrator or designee shall refer the application for review by the Development Review Committee and, if deemed necessary, by the Site Plan Committee. After completion of review, the Town Administrator or designee shall be authorized to approve or deny the non-material

change. The ~~director~~ Town Administrator or designee shall have the discretionary authority to require ~~town council review~~ Town Council review and approval of any modification whether non-material or material.

Sec. 12-438.15. - Supplemental regulations.

(A)

Screening required.

(1)

Dumpsters, dumpster enclosures and loading zones shall not be located within twenty (20) feet of any street line or BTL.

(2)

Dumpsters and their enclosures and loading zones shall be screened from view at the street frontage by a building or screenwall six (6) feet in height with a planter at the street-facing base of the screenwall, provided that the town may require additional screening if necessary to obscure same from street view.

(3)

Utility boxes and machinery, including but not limited to backflow devices, electric meters, air conditioning units, and transformer boxes, shall not be visible from public rights-of-way, parks and other public spaces.

(4)

Loading areas shall be screened from view from streets and properties with conforming residential uses.

(B)

Fences. Fences are most useful to separate uses, define transitions from the public sidewalk to private property, guide pedestrians to entrances, and screen unsightly views. Fences shall be subject to [section 12-33\(O\)](#), except as follows:

(1)

Chain-link fences are prohibited in all cases except for ball field enclosures and along rear and interior side property lines.

(2)

For new development, fences in the front yard shall be decorative and limited to four (4) feet in height.

(3)

Wood fences shall be constructed of cedar or other heavy timber that will not create a run-down appearance after sustained exposure to the elements. Caps shall be part of the fence design to protect the end grain of the slats.

(4)

Commercial security fencing shall not front an arterial, collector or residential street. Commercial fencing must be decorative aluminum and shall not exceed eight (8) feet in height.

(5)

Whenever possible, fences should be combined with other elements such as plant material.

(6)

Fences shall generally be considered an extension of the adjacent structure or architectural elements, and the materials should be compatible.

(C)

Street furniture. Street furniture, including but not limited to, benches, transit shelters, waste bins, bike racks or lockers shall be of a uniform style within the district, as specified by the town.

(D)

Measurement of street-side setbacks and build-to-lines shall be measured from the ultimate street right-of-way lines that include any dedication(s) required to achieve the adopted street sections within the RAC.

(E)

Airport noise compatibility. In accordance with Broward County Ordinance # 2010-44, none of the three thousand one hundred seventy-four (3,174) dwelling units approved by way of Broward County Land Use Plan Amendment PCT 10-6 shall be located within the sixty (60) DNL noise contour of Runway 9R/27L, pursuant to Environmental Impact Statement, December 2008 2020 B1b. The town shall make the noise contour map available to the public in the same manner as zoning maps. The town shall be responsible for the monitoring of residential development activity within the RAC.

(F) Drive-through windows.

- (1) Generally. Drive-through windows, such as for banks and fast food restaurants, are permitted as pursuant to this paragraph (F).
- (2) Vehicle stacking. As determined by the Town Engineer, drive-through windows shall provide sufficient vehicle stacking to ensure that vehicles to do not back out onto public streets or neighboring properties and do not hinder pedestrian or vehicular access throughout the site.
- (3) Food service uses. In the RAC-TC district, food service uses shall not include drive-through facilities.
- (4) Other uses. In the RAC-TC district, drive-through facilities for uses other than food service are allowed provided that vehicular access to such drive-through facility is not by way of a Transit-Oriented Street.

ARTICLE XIV. - DEFINITIONS^[19]

Sec. 12-503. - Definitions.

~~Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building or structure by the base site area. Where the lot is part of a larger development and has no required bufferyard, that lot area may be used instead of the base site area.~~

~~Landscape surface ratio. The ratio derived by dividing the area of landscaped surface by the base site area.~~

~~Nursery school. A place for the day care and institution of children not remaining overnight.~~

~~School, special. A school for pupils who differ from the average so noticeably that they are not suited to ordinary schools (especially a school for children of retarded development).~~