

RESOLUTION NO. R-2012-220

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE REGARDING ZONING REGULATIONS FOR ALL SCHOOL USES, ALL PUBLIC ASSEMBLY USES AND ALL ANIMAL KENNEL USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 12, Article X, Division 5, Planning and Zoning in Progress, of the Town Code provides that when an amendment to the zoning and land development code is being considered by the Town Council, no development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in the nonconforming or unlawful use of the subject property should the proposed change be adopted; and

WHEREAS, the Town is preparing amendments to the land development code concerning school uses, which for the purpose of this declaration shall include kindergarten, elementary, middle and high schools, whether public, private or charter; and

WHEREAS, the Town is preparing amendments to the land development code concerning places of public assembly, which for purposes of this declaration shall include fraternal lodges, community centers, clubhouses, and places of worship; and

WHEREAS, the Town is preparing amendments to the land development code concerning animal kennel uses; and

WHEREAS, one or more draft ordinances addressing school uses and places of public assembly uses have been posted to the Town's website for public review; and

WHEREAS, the Town Council deems it necessary and in the best interest of the citizens and residents of the Town of Davie to declare a "zoning in progress" and to ensure that no development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in

the nonconforming or unlawful use of the subject property should the proposed changes to the Land Development Code be adopted.

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

SECTION 1. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a part of this Resolution.

SECTION 2. In accordance with Chapter 12, Article X, Division 5, Planning and Zoning in Progress, of the Town Code, no development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in the nonconforming or unlawful use of the subject property should the proposed changes to the Land Development Code be adopted concerning the following:

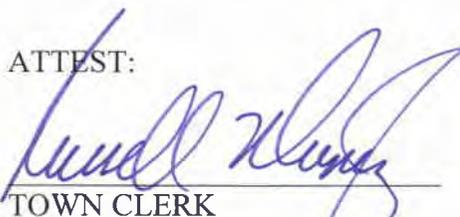
- School uses, which for the purpose of this declaration shall include kindergarten, elementary, middle and high schools, whether public, private or charter.
- Places of public assembly, which for purposes of this declaration shall include fraternal lodges, community centers, clubhouses, theaters and places of worship.
- Animal kennel uses.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption and shall remain in effect for 180 days or until the adoption of new regulations concerning school uses and places of public assembly uses, whichever is sooner.

PASSED AND ADOPTED THIS 3rd DAY OF October, 2012.


MAYOR/COUNCILMEMBER

ATTEST:


TOWN CLERK

APPROVED THIS 3rd DAY OF October, 2012.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, Planning and Zoning Manager (954-797-1075)

PREPARED BY: David Quigley, Planning and Zoning Manager (954-797-1075)

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: ZONING IN PROGRESS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DECLARING A ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE REGARDING ZONING REGULATIONS FOR ALL SCHOOL USES, ALL PUBLIC ASSEMBLY USES AND ALL ANIMAL KENNEL USES, AND PROVIDING FOR AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: The Town Code allows for the declaration of "Zoning In Progress" when necessary to ensure that development applications submitted during a review of zoning regulations do not result in the creation of non-conforming uses or which would otherwise be a threat to the public health, safety or welfare.

KEY POINTS:

- **Changes to the Town's Land Development Code are necessary to ensure that new school facilities are designed to ensure a safe environment for students and a safe, convenient circulation of vehicles, bicycles and pedestrians.**
- **Changes are also needed in regard to various types of public assembly uses, including fraternal lodges, community centers, clubhouses and places of worship. Because these types of uses can occur in both residential and commercial areas, it is necessary to ensure that such uses are sited in a manner that does not unduly affect surrounding properties or the public in general.**
- **Changes are also needed to ensure that animal kennel uses are properly located and designed so as not to create undue impacts on surrounding uses.**
- **The proposed "Zoning In Progress" declaration is authorized by Chapter 12, Article X, Division 5 of the Town Code.**
- **The "Zoning In Progress" is not a building moratorium but instead only prohibits the issuance of development approvals which would be inconsistent with the proposed zoning regulations, as more particularly set forth in the resolution. The "Zoning In Progress" will be in effect for 180 days or until final action on the proposed code amendments, whichever is sooner.**

- **The proposed zoning code amendments will be available for public inspection through the Planning and Zoning Division as well as on the home page of the Town's website until final action on the ordinance.**

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

Additional Comments:

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution

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ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE I, TITLE, PURPOSE, AND APPLICABILITY; SECTION 12-1, TITLE; SECTION 12-2, LEGISLATIVE INTENT; SECTION 12.2.1, APPLICABILITY; SECTION 12-3, COMMENTARY; SECTION 12-4, PURPOSE; SECTION 12-5, GENERAL RULES OF INTERPRETATION AND DEFINITION; ARTICLE II, ESTABLISHMENT OF ZONING DISTRICTS AND LAND USES; SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, USE REGULATIONS; SECTION 12-32, PERMITTED USES; SECTION 12-32.304, PERMITTED USES; SECTION 12-32.507, PERMITTED USES; SECTION 12-32.510, SITE DEVELOPMENT STANDARDS; SEC. 12-32.515, SUPPLEMENTAL REGULATIONS; SECTION 12-33, GENERAL REGULATIONS; SECTION 12-34, STANDARDS FOR SPECIFIC USES; ARTICLE IV, DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS; ARTICLE V, DEVELOPMENT STANDARDS; SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; DIVISION 4, EXCEPTIONS TO DEVELOPMENT REQUIREMENTS; SECTION 12-88, EXCEPTIONS TO MINIMUM YARD REQUIREMENTS; ARTICLE IX; RURAL LIFESTYLE REGULATIONS; SECTION 12-284, FENCES, MAILBOXES, BUS STOPS AND ENTRANCEWAY FEATURES; SECTION 12-286, INTENT, APPLICABILITY, AND BOUNDARIES; SECTION 12-290, ARCHITECTURAL DESIGN STANDARDS; SECTION 12-208, REQUIREMENTS FOR OFF-STREET PARKING; ARTICLE X, PLANNING AND DEVELOPMENT; SECTION 12-302, APPLICATION; SECTION 12-302.1, DEFERRAL OF PUBLIC HEARINGS FOR APPLICATIONS; SECTION 12-303, ADVERTISING AND PUBLIC NOTICE; SECTION 12-304, PROCESSING; SECTION 12-305, GENERAL PURPOSE; SECTION 12-306, PROCESSING; ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES; ARTICLE XII, SUBDIVISIONS AND SITE PLANS; SECTION 12-372, SITE PLAN SUBMISSION REQUIREMENTS; SECTION 12-379, MASTER PLANNED DEVELOPMENT SUBMISSION REQUIREMENTS; ARTICLE XIII SPECIAL PLANNING AREAS AND DISTRICTS; ARTICLE XIV, DEFINITIONS; SECTION 12-503, DEFINITIONS; PROVIDING FOR CONFLICTS; 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 of the Town of Davie, Florida desires to provide for planning and zoning regulations that ensure the location of educational facilities which are compatible with existing and planned land uses, consistent with the Future Land Use Element of the Town's Comprehensive Plan, and that educational facilities are served by public infrastructure which provides safe and adequate access; and

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

WHEREAS, in determining appropriate zoning and future locations for kindergarten through twelfth grade schools, the Town Council finds that locations for such school facilities should avoid

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hazardous conditions for school children and should allow safe access for both vehicular and non-motorized traffic; and

WHEREAS, the Town Council further finds that zoning locations for school facilities should be compatible with surrounding land use and development patterns, with a priority on ensuring proximity to school facilities from residential development; and

WHEREAS, Town staff has conducted a review of the permitted zoning locations for kindergarten through twelfth grade schools as provided in the Future Land Use Element of the Town of Davie Comprehensive Plan and the Land Development Code; and

WHEREAS, Town staff has further reviewed and considered supplemental land development regulations to provide development review criteria that address the land use impacts created by school uses, and proposes to include these standards within the Land Development Code; and

WHEREAS, at a public hearing on _____, the Planning and Zoning Board reviewed this Ordinance and made a recommendation to the 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 law; 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 5. This ordinance shall take effect immediately upon its passage and adoption.

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PASSED ON FIRST READING THIS ____ DAY OF _____, 2012

PASSED ON SECOND READING THIS ____ DAY OF _____, 2012

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2012

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EXHIBIT “A”

Article I.	Title, Purpose, and Applicability	5
Sec. 12-1.	Title.....	5
Sec. 12-2.	Legislative intent.....	5
Sec. 12.2.1.	Applicability.....	5
Sec. 12-3.	Commentary.....	5
Sec. 12-4.	Purpose.....	5
Sec. 12-5.	General rules of interpretation and definition.....	6
Article II.	Establishment Of Zoning Districts And Land Uses	7
Sec. 12-24.	Statement of purpose and intent of zoning districts.....	7
Article III.	Use Regulations.....	16
Sec. 12-32.	Permitted Uses.....	17
Sec. 12-32.304.	Permitted uses.....	25
Sec. 12-32.507.	Permitted uses.....	32
Sec. 12-32.510.	Site development standards.....	36
Sec. 12-33.	General regulations.....	40
Sec. 12-34.	Standards for specific uses.....	64
Article IV	District Performance Standards And Capacity Analysis.....	110
Article V.	Development Standards.....	110
Sec. 12-83.	Commercial Conservation Standards.....	110
Division 4.	Exceptions To Development Requirements.....	112
Sec. 12-88.	Exceptions to minimum yard requirements.....	112
Article IX.	Rural Lifestyle Regulations.....	113
Sec. 12-284.	Fences, mailboxes, bus stops and entranceway features.....	113
Sec. 12-286.	Intent, applicability, and boundaries.....	113
Sec. 12-290.	Architectural design standards.....	116
Sec. 12-208.	Requirements for Off-Street Parking.....	117
Article X.	Planning and Development	117
Sec. 12-302.	Application.....	117
Sec. 12-302.1.	Deferral of public hearings for applications.....	119
Sec. 12-303.	Advertising and public notice.....	119
Sec. 12-304.	Processing.....	120
Sec. 12-305.	General purpose.....	122
Sec. 12-306.	Processing.....	122
Article XI.	Development Review Procedures.....	125
Article XII.	Subdivisions and Site Plans	125
Sec. 12-372.	Site plan submission requirements.....	125
Sec. 12-379.	Master planned development submission requirements.....	130
Article XIII.	Special Planning Areas and Districts.....	132
Article XIV.	Definitions.....	132
Sec. 12-503.	Definitions.....	132

Article I. Title, Purpose, and ~~Jurisdiction~~Applicability

Sec. 12-1. Title.

These regulations shall be known and referred to as the "Town of Davie Land Development Code," and shall include all texts, tables, figures, illustrations and maps herein.

Sec. 12-2. Legislative intent.

This chapter conforms to the Town of Davie Comprehensive Plan, and furthers the goals, objectives and policies contained herein. Further, this chapter is in conformance with Chapter 163, Florida Statutes. This chapter conforms with Chapter 171, Florida Statutes relating to the effects of annexation on the zoning of annexed areas. ~~All real property within the town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II prior to issuance of a development permit.~~

Sec. 12.2.1. Applicability.

The provisions of this chapter shall apply to all land and water within the incorporated boundaries of the Town of Davie except as may be necessary to honor pre-annexation agreements or other legal agreements which require the retention of Broward County or Hacienda Village zoning districts. Except where expressly addressed by prior agreement with the Town, all real property within the Town shall be designated with a Town of Davie zoning district pursuant to this chapter prior to issuance of a development permit. In no case shall a sexually oriented business as defined by this chapter be established on land not designated with a Town of Davie zoning district in accordance with this chapter.

Sec. 12-3. Commentary.

Throughout this chapter, subsections prefaced *Commentary* are included to ensure a complete understanding of the purpose and reasoning of the town in adopting that particular section of the chapter. Each commentary is included and intended as an official statement of legislative finding or purpose. The commentaries have been legislatively adopted together with the more formal text of the chapter. They are intended as a guide to the administration and interpretation of the chapter and shall be treated in the same manner as other aspects of legislative history.

Sec. 12-4. Purpose.

These regulations are enacted to protect, promote and improve the public health, safety, order, appearance, morals and general welfare of the citizens of the Town of Davie, Florida, through the adoption of minimum regulations controlling the use of land, buildings and structures, and improvement thereon. This chapter implements policies regarding the preservation of the community character; maintenance of a rational pattern of land use; protection of natural resources; assurance of adequate public infrastructure concomitant with development impacts; protection and enhancement of taxable values of land and buildings; and appropriate administration of procedures and enforcement activities.

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Sec. 12-5. General rules of interpretation and definition.

Certain words used in these regulations have been defined in this chapter. Where this is the case, they shall have the meanings given in the applicable subsection. Where words have not been defined, the most recent edition of *Webster's Unabridged Dictionary* definitions shall prevail. Rules of interpretation shall follow the guidelines contained in [section 12-501](#), Word Usage, and [section 12-502](#), Abbreviations.

Administrators, judicial figures and other persons shall interpret this chapter based on an understanding of the purposes intended by the Town of Davie Town Council as noted in this chapter and in the Comprehensive Plan. The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed land use. To this end, those called upon to interpret this chapter shall proceed as follows:

- (A) Determine the public purpose(s) of the standard(s) with respect to which an interpretation is required.

Commentary: Before any zoning interpretation is made, there must be an explicit identification of the purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable negative impact or potential. A sound interpretation of any such standard cannot be ensured without a careful analysis of the end to which the regulation is directed.

- (B) Determine the actual impact of various proposed interpretations, permitting flexibility in design but prohibiting any interpretation that lowers the protection afforded to the public.

Commentary: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in this chapter. Design freedom is to be encouraged while a lowering of standards is to be prohibited.

- (C) Determine that the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

Commentary: If an interpretation would merely allow a design solution which is more flexible, albeit slightly different from the one expressly stated; and if it would result in no less a degree of protection to any affected party (either the adjoining landowners, the public at large or the property owner), such an interpretation may be appropriately made. Any interpretation which would result in an identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this chapter. Similarly, any interpretation which would either increase the nuisance potential of any use, or alter the

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purpose for which the regulation was adopted, shall be considered counter to the legislative intent of this chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted should only be made when the party interpreting this chapter has the power to impose additional restrictions or conditions to protect the public and exercises this power.

- (D) This chapter has been carefully designed by the Town of Davie Town Council to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining property owners, or require undue limitations on the ability of property owners to use their land in manners consistent with the goals of the Comprehensive Plan for the town. Great care has been taken to both balance the rights of competing groups and achieve maximum protection with flexibility and a range of use options.

Article II. Establishment Of Zoning Districts And Land Uses

Sec. 12-24. Statement of purpose and intent of zoning districts.

The following sections specify the purpose and intent of the zoning districts established by this Chapter:

(A)

Agricultural (AG) District: This district is intended to maintain, preserve and protect areas of the Town of Davie that are predominately in agricultural uses, and/or have historically demonstrated agriculture productivity. This district is designed to protect the agricultural industry from scattered residential development that displaces agricultural uses from substantial areas of productive agricultural land for a limited number of dwelling units by providing for lots on an acre in size or larger. This district is intended to maintain the rural character of the town and implement the Town of Davie Comprehensive Plan.

(B)

Rural Ranches (RR) District. This district is intended to protect areas of the Town of Davie, characterized by their rural or semi-rural, predominantly residential and very-low-density characteristics, from intrusive nonresidential uses and higher-density residential development which would be inconsistent with their established character. The district is also intended to permit continued agricultural and residential-agricultural use of land. The RR District implements the Agricultural and Residential one (1) dwelling unit per acre classifications of the Town of Davie Comprehensive Plan.

(C)

Suburban (S) District: The Suburban (S) District is intended to provide for open space living in the areas identified for residential densities of between two (2) and five (5) dwelling units per acre in the Town of Davie Comprehensive Plan. This district permits a variety of dwelling unit types to facilitate the provision of open space. The district is intended for use on large tracts and not as in-fill on properties less than ten (10) acres in areas surrounded by zoning of equal or lower density.

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(D)

Suburban Commercial (SC) District: The Suburban Commercial (SC) District is intended for properties west of Pine Island Road where commercial uses are anticipated. It is intended to provide a less restrictive, more open form of commercial development in the western part of the Town of Davie that is compatible with the lower residential densities called for in that area.

(E)

Urban Commercial (UC) District: The Urban Commercial (UC) District is intended to provide for a mix of retail, office and residential uses in a medium to high-density environment. Areas so designated in the Town of Davie Comprehensive Plan will have some open space requirements to complement the higher densities permitted in the district.

(F)

Freeway Business (FB) District: The Freeway Business (FB) District is intended to be used to create an open type of mixed use business development with office, retail and residential uses in the same building. These uses are to be surrounded by substantial areas of open space. Employment of this district should reduce traffic by creating viable mixed use areas, provide a quality living environment, and access to open lands for recreation. The open space provided in this district will be a natural transition to lower density residential areas.

(G)

Business Park (BP) District: The Business Park (BP) District is intended to be used to promote modern campus types of industrial, office, distribution and service business areas where a wide variety of uses can be built in an attractive environment with substantial open areas on the periphery of the development.

(H)

Transportation (T) District: The Transportation (T) District is intended to implement the transportation category of the Future Land Use Plan. This district generally permits uses directly related to the development of transportation facilities and allows certain temporary uses that do not adversely affect, and may facilitate, the future development of a transportation use.

(I)

Neighborhood Conservation Districts: The Neighborhood Conservation Districts are intended for existing residentially zoned areas. They are designed to prevent these areas from becoming nonconforming as they would if they would be placed in the other districts in this chapter. These districts are also intended to provide for the minor in-filling of existing neighborhoods consistent with their zoning and character at the time of the enactment of this chapter. Such neighborhoods are relatively uniform in character and are generally stable. The regulations permit future development consistent with existing neighborhood character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual subdivision plat previously approved.

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Neighborhood Conservation Districts consist of four (4) general types: The Residential Single-Family, the Multifamily, the Mobile Home, and the existing Planned Residential Developments. The Single-Family type is generally for the single-family detached dwellings and is comprised of six (6) districts based upon lot size: A-1, R-1, R-2, R-3, R-4 and R-5. The Multifamily type is comprised of six (6) districts as follows: RM-5, RM-8, RM-10, RM-12, RM-16, and RM-22. The Mobile Home type is comprised of five (5) districts: MH-1, MH-3, MH-5, MH-8, and MH-10. Planned Residential Developments vary according to development site; however, all consist of a minimum density of three (3) dwelling units per acre. The A-1 district, while considered a residential dwelling district, does permit limited agricultural uses. For the limitations applying to agricultural uses in this district, see Article III (Use Regulations).

(1)

Agricultural (A-1) District: The A-1 District is intended to implement the Agricultural and Residential one (1) unit per acre classifications of the Town of Davie Comprehensive Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from existing agricultural uses.

(2)

Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

(3)

Low Density Dwelling (R-2 and R-3) Districts: The R-2 and R-3 Districts are intended to implement the three (3) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low density dwelling districts in the town.

(4)

Low Medium Density Dwelling (R-4, R-5 and RM-5) Districts: The R-4, R-5 and RM-5 Districts are intended to implement the five (5) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for a low-medium density single-family dwelling district.

(5)

Medium Density Dwelling (RM-8 and RM-10) Districts: The RM-8 and RM-10 Districts are intended to implement the ten (10) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium density multiple family dwelling districts in the Town of Davie.

(6)

Medium-High Density Dwelling (RM-12 and RM-16) Districts: The RM-12 and RM-16 Districts are intended to implement the sixteen (16) dwelling units per

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acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium-high density multiple-family dwelling districts in the Town of Davie.

(7)

High Density Dwelling (RM-22) District: The RM-22 District is intended to implement the twenty-two (22) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for a high density multiple-family dwelling district in the Town of Davie.

~~The salient characteristics of each of the aforementioned Neighborhood Conservation Districts is shown below:~~

District	Characteristics
Single-Family:	
A-1	35,000 sq. ft. lots
R-1	35,000 sq. ft. lots
R-2	17,500 sq. ft. lots
R-3	12,000 sq. ft. lots
R-4	8,800 sq. ft. lots

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R-5	7,000 sq. ft. lots
Multifamily:	
RM-5	5 D.U. gross density
RM-8	8 D.U. gross density
RM-10	10 D.U. gross density
RM-12	12 D.U. gross density
RM-16	16 D.U. gross density
RM-22	22 D.U. gross density
Mobile Home:	
MH-1	1 D.U. gross density

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MH-3	3 D.U. gross density
MH-5	5 D.U. gross density
MH-8	8 D.U. gross density
MH-10	10 D.U. gross density

(J)

Commercial Conservation Districts: These districts are intended to preserve the character of existing nonresidential or commercial areas, neighborhoods and developments either in existence or under construction at the time of adoption of this chapter.

The district is the nonresidential or commercial version of the Neighborhood Conservation District. The district permits these areas to continue to develop in nonresidential or commercial uses but requires better landscaping and vehicular access control. The development standards are also intended to promote the upgrading of existing land uses.

(1)

Residential/Office District. The RO District is intended to implement the residential/office classification of the Town of Davie Comprehensive Plan by providing a buffer of professional offices and mixed residential and office development to surrounding residential areas. The intent of this district is to maintain the residential character of the neighborhood while permitting the development of professional offices.

(2)

Office District. The O District is intended to implement the office classification of the Town of Davie Comprehensive Plan by providing encouragement toward the development of a business and research office park with complimentary retail and service uses in an open and attractive manner.

(3)

Commerce Center District. The CC District is intended to implement the commerce/office classification of the Town of Davie Comprehensive Plan by providing for development of office, research, business and light industrial

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complexes at suitable locations throughout the town. A commerce center development may serve as a major source of employment and will complement the appearance and welfare of the town. This district contains regulations designed to promote flexibility in planning and design.

(4)

Neighborhood Business (B-1) District. The B-1 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the local neighborhood shopping and personal service needs of a limited surrounding residential area. Retail stores permitted herein are intended to include mainly convenience goods which are usually a daily necessity for a residential neighborhood.

(5)

Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.

(6)

Planned Business Center (B-3) District. The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

(7)

Light Industrial (M-1) District. The M-1 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for light industrial uses, such as research, development or fabrication of products, which make use of processes not likely to be objectionable to neighborhood properties because of noise, vibration, odors, smoke, air pollution, or other physical manifestations.

(8)

Medium Industrial (M-2) District. The M-2 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for medium industrial uses which, by their inherent nature or by virtue of the materials used, processes utilized or products produced, may involve some characteristics objectionable to or incompatible with residential areas. Hence, M-2 districts are not intended for locations abutting residential property.

(9)

Planned Industrial Park (M-3) District. The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner

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through limitations on setbacks and coverage, and for other permitted uses. M-3 Districts are not intended for locations abutting residential property.

(10)

Heavy Commercial (C1) District. The C1 District shall be applicable only in those areas within the corporate boundaries of Davie that lie between the Florida Turnpike and the easternmost boundary of the town. This area shall be known as the Davie Industrial District. The C1 District is intended to implement intensive commercial development, certain repair and other services, wholesale, storage and warehouse uses, and sales of large or heavy machinery and equipment in lands designated commercial on the Land Use Plan. This district is not intended for application in residential areas and does not cater to pedestrian trade.

(11)

Utilities (U) District. The U District is intended to implement the utilities classification of the Town of Davie Comprehensive Plan by providing areas for the location and expansion of water, wastewater, communication and power facilities, and solid waste disposal sites.

(12)

Neighborhood Community Facilities (NCF) District. The NCF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of community facilities in close proximity to residential neighborhoods. [The NCF district may be applied to lands outside the community facilities classification as may be otherwise consistent with the Comprehensive Plan.](#)

(13)

Community Facilities (CF) District. The CF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of community facilities. [The CF district may be applied to lands outside the community facilities classification as may be otherwise consistent with the Comprehensive Plan, provided that any new CF area must either be served by an existing central sewer system \(not an on-site disposal system\) at the time of such designation, or the extension of such service must be included in the 5-Year Capital Improvement Program with an identified funding source.](#)

(14)

~~*Planned Community Facilities (PCF) District.* The PCF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of planned community facilities throughout the town. (Reserved)~~

(15)

Recreation/Open Space (RS) District. The RS District is intended to implement the parks and recreation classification of the Town of Davie Comprehensive Plan by providing areas for the development of nonprofit active or passive recreational facilities and the preservation of open space.

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(16)

Commercial Recreation (CR) District. The CR District is intended to implement the commercial recreation classification of the Town of Davie Comprehensive Plan by providing areas for the development of commercial recreational facilities.

(K)

Regional Activity Center-Academical Village (RAC-AV) District: This district is one of many districts intended to implement the Regional Activity Center designation of the Town of Davie Comprehensive Plan by encouraging and promoting large-scale development and redevelopment as well as small parcel infill and redevelopment that facilitates a coordinated and balanced mix of land uses which will support the education facilities in the area.

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Article III. Use Regulations.

Sec. 12-30. Purpose. (Reserved)

The purpose of this division is to indicate which land uses may locate in each zoning district and which uses may not locate in each zoning district. A further distinction is made for uses which may locate in a given district subject to certain limitations and/or restrictions contained in the detailed use regulations section. section 12-32(A) through (D) specify which uses are permitted in each zoning district and define the use categories used in this chapter.

Sec. 12-31. Key to table of permitted uses. (Reserved)

The following table is a sample excerpt from section 12-32:

<u>COMMERCIAL, OFFICE AND BUSINESS (B) DISTRICTS</u>								
<u>GENERAL USE</u>	<u>DISTRICTS</u>							
	SC & B-1	B-2	UC & B-3	O	FB	CC	C-1	RO
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N

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Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	N	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this Article.

The uses permitted in each district are specifically designated in section 12-32. Other than by zoning change, no use which is expressly prohibited shall be built in a district. The town administrator or his designee, however, shall have the discretion to permit uses which are not specifically listed but are similar to uses that are expressly permitted in section 12-32, in accordance with the procedures in Article X, Division 4.

Sec. 12-32. Table of permitted uses 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.

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(A) Residential Districts:

Residential Districts:

RESIDENTIAL DISTRICTS									
<u>GENERAL USE</u>	<u>DISTRICTS</u>								

<u>Permitted Uses</u>	RR	AG	S	A-1	R-1	R-2—5	RM-5	RM-8—22	MH-1—10
Agricultural Uses	P	P	N	P	*	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	P	P	N	P	*	N	N	N	N
Family Day Care Home	*	*	*	*	*	*	*	*	*
Farms	P	P	N	P	*	*	*	*	*
Guest Cottage	P	P	N	P	P	N	N	N	N
Home Occupation	*	*	*	*	*	*	*	*	*
Recreational Facilities	*	*	*	*	*	*	*	*	*
Special Residential Facilities	*	*	*	*	*	*	*	*	*
Subdivision Facilities	N	N	N	N	N	N	P	P	P
Watchman's Quarters	*	*	N	*	N	N	N	N	N

~~P= Permitted by right in this district.~~

~~N= Not permitted in this district.~~

~~*= Conditionally permitted subject to detailed use regulations (section 12-34).~~

~~Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this article.~~

(B) Commercial, Office and Business Districts:

COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

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<u>GENERAL USE</u>	<u>DISTRICTS</u>							
<u>Permitted Uses</u>	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO
Adult Arcade Amusement Center	N	N	*	N	N	N	N	N
Agricultural Use	*	*	*	*	N	*	N	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	*
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	<u>4P</u>	<u>4P</u>	N	N	N	<u>*P</u>	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	<u>**</u>	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	<u>**</u>	P	N
<u>Education, K-12 [REQ. REZONE TO CF]</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Education, adult public or non-profit</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Education, adult for-profit</u>	<u>N</u>	<u>N</u>	<u>*</u>	<u>N</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>N</u>
Farms	*	*	*	*	*	*	*	*

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Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO
Florist, Plant Shop	P	P	P	N	P	* z	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gift Shops	P	P	P	N	N	* z	P	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	P	P	N
Landscape Maintenance Contractors	N	N	N	N	N	N	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N *	P	N
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	P
Mini Warehouse/Self Storage	N	N	N	N	N	*	*	N
Mobile Home Sales	N	*	*	N	N	N	P	N
Mortuary	P	P	P	P	P	P	P	N
Motion Picture Studio	N	N	N	N	N	P	P	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N
Motorcycle Shop	N	N	*	N	N	N	N	N
Movers	N	N	N	N	N	N	P	N
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N
Night Clubs	N	*	*	N	*	* z	*	N
Nursery, Child Care Facility	*	*	*	N	*	*	N	P
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	* z	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N
Place of Public Assembly	N	*	*	N	*	*	*	N
Plant Nursery	P	P	P	P	P	N	P	P
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N

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<u>Permitted Uses</u>	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, Except Vehicle or Boat Repair	N	P	P	N	N	N	P	N
Research Facilities	N	N	N	P	P	P	P	N
Residential Uses	*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	P	N	P	N
Restaurant, Other	*	P	P	N	P	*	*	N
Retail Sales Other	P	P	P	N	P	**	P	N
Sales Office	P	P	P	P	P	P	P	P
Schools—Special, Private	N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N
Service Stations	N	N	*	N	N	N	*	N
Sexually Oriented Business	N	N	P	N	N	N	N	N
Sheet Metal Shop	N	N	N	N	N	N *	*	N
Special Residential Facilities	*	*	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P
Tattoo Parlors	N	N	*	N	N	N	N	N
Vehicle Customizing	N	N	N	N	N	N	P	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N
Vehicle Towing	N	N	N	N	N	N	*	N
Vehicle Sales and Rental	N	N	*	N	N	*	*	N
Warehouse, Storage	N	N	*	N	*	*	*	N
Watchman's Apartment	*	N	*	N	N	*	*	N
Wholesale	N	P	P	N	N	P	P	N

~~P= Permitted by right in this district.~~

~~N= Not permitted in this district.~~

~~*= Conditionally permitted subject to detailed use regulations (section 12-34).~~

~~I= Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.~~

~~**= Limited to 20% of gross floor area.~~

~~Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this article.~~

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(C) *Business Park and Industrial:*

BUSINESS PARK AND INDUSTRIAL	
<u>GENERAL USE</u>	<u>DISTRICTS</u>

<u>Permitted Uses</u>	BP	M-1	M-2	M-3
Acid, Explosives	N	N	N	N
Animal Kennel	N	*	*	*
Auction House	*	N	N	N
Brewing/Distilling of Malt Beverages or Liquors	N	N	N	N
Business Uses	P	*	*	*
Cement, Concrete, Lime	N	N	P	P
Educational (Adult)	*	*	*	*
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
Mixed Use	N	*	*	*
Motor Freight Terminal	N	N	*	*
Motorcycle Shop	*	*	*	*
Movers	N	P	P	P
Office, Professional	P	*	*	*
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	P
Slaughter Yards	N	N	N	N

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<u>Permitted Uses</u>	BP	M-1	M-2	M-3
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	*	*	*	*
Wholesale	P	P	P	P
Yacht Manufacturing and Repairs	N	N	*	N

~~P=~~ — Permitted by right in this district.

~~N=~~ — Not permitted in this district.

~~*=~~ — Conditionally permitted subject to detailed use regulations (section 12-34).

~~Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this article.~~

(D) Recreational, Community Facilities and Utilities Districts:

RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS	
GENERAL USE	DISTRICTS

<u>Permitted Uses</u>	RS	CR	NCF	CF	<u>PCF</u>	U
<u>Adult Educational</u>	N	N	N	<u>P</u>	<u>P</u>	N
Amusement, Theme Park Stadium	N	N	N	N	N	N
<u>Churches, Houses of Worship</u>	*	*	*	*	*	*
<u>Civic Center</u>	*	*	N	<u>P</u>	<u>P</u>	N
<u>Colleges, University</u>	N	N	N	<u>P</u>	<u>P</u>	N
Drive-in Theater	N	N	N	N	N	N
<u>Educational, Adult/Vocational/Trade Schools</u>	N	N	N	<u>P</u>	<u>P</u>	N
<u>Education, K-12</u>	N	N	*	*		N
<u>Education, adult public or non-profit</u>	N	N	N	<u>P</u>		N
<u>Education, adult for-profit</u>	N	N	N	<u>P</u>		N
Flood Control	*	N	*	P	<u>P</u>	*

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<u>Permitted Uses</u>	RS	CR	NCF	CF	PCF	U
Governmental Buildings/Municipal Public Service Uses	N	N	N	P	P	P
Hospitals	N	N	N	P	N	N
Hotel, Motel	N	*	N	N	N	N
Incinerator (Medical, Solid Waste, Biohazardous)	N	N	N	N	N	N
Landfill/Trash, Garbage Disposal	N	N	N	N	N	N
Libraries, Museums	*	*	N	P	P	N
Mausoleums, Cemeteries	N	N	N	P	P	N
Nursery, Day Care, Preschool	N	N	*	*	*	N
<u>Place of Public Assembly</u>	*	N	*	*		N
Primary, Secondary Education	N	N	P	P	P	N
Prisons, Jails, Detention	N	N	N	N	N	N
Private Clubs	N	P	N	N	N	N
Power Plant, Substation	N	N	N	N	N	P
Public Park	P	P	P	P	P	P
Public Utility Maintenance Yard	N	N	N	N	N	P
Commercial Recreation	N	P	N	N	N	N
Special Residential Facilities	N	N	*	*	*	N
Schools, Public	N	N	N	P	P	N
Schools, Special, Private	N	N	N	P	P	N
Solid Waste Transfer Site	N	N	N	N	N	P
Telecommunications Towers	*	*	*	*	*	*
Storage Yards	N	N	N	N	N	N
Waste Facilities	N	N	N	N	N	N
Watchman's Apartment	N	N	*	*	*	N
Water, Wastewater Treatment	N	N	N	N	N	P

~~P= Permitted by right in this district.~~

~~N= Not permitted in this district.~~

~~*= Conditionally permitted subject to detailed use regulations (section 12-34).~~

~~Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, section 12-33 and Detailed Use Regulations, section 12-34 of this article.~~

[Note to publisher: Re-publish Sections 12-32.100 through 12-32.528 in Article XIII using the division headings provided]

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Sec. 12-32.304. Permitted, ~~restricted and prohibited~~ uses.

The following table identifies the permitted, restricted and prohibited uses within the Griffin Corridor District. This district covers a large area regulated by several underlying land use plan designations. Each land use plan designation allows a different range of uses. Therefore, a given use may not be permitted on every parcel of land within a use zone. A "permitted use" herein is permitted only if consistent with the land use plan designation of a given property. Therefore, before it can be determined that a particular use or combination of uses are permitted on a given parcel of land, the Comprehensive Plan must be consulted in order to determine whether the use is consistent with the plan.

Uses are classified below as Permitted (P), Restricted (R) or Prohibited (N). Restricted uses are followed by a numeral which corresponds to a footnote below the following table. Each footnote explains restrictions associated with the use. The town administrator or designee shall have the discretion to permit uses which are not specifically listed but are similar to uses that are expressly permitted, provided such uses are not expressly identified as permitted, conditionally permitted or prohibited or in another zoning district.

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	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
COMMUNITY FACILITY USE GROUP					
Education, K-12	N	N	N	N	N
Education, adult public or non-profit	N	N	N	N	N
Education, adult for-profit	N	R(1)	N	N	N
Civic Center	P	N	P	N	P
Governmental Bldgs./Municipal	P	N	P	N	P
Public Service Uses	P	N	P	P	P
Hospitals	N	N	N	N	R(17)
Library, Museum	P	P	P	N	P
Schools, Educational Institutions	N	R(1)	N	N	N
Place of Public Assembly	*	N	*	N	*
Public Park	P	P	P	P	P
Special Residential Facilities	R(2)	N	R(2)	R(2)	P
OFFICE AND RESEARCH USE GROUP*					
Banks, Financial	P	P	P	P	P
Contractor, office only	N	R(4)	N	P	N
General Office	P	R(5)	P	P	P
Medical Clinic	P	R(5)	P	P	P
Doctor's Office	P	R(5)	P	P	P
Real Estate Office	P	R(5)	P	P	P
Sales Office	P	R(5)	P	P	P
Laboratory, incl. Medical Lab	P	N	P	P	P
Research Facility	P	N	P	P	P
Motion Picture Studio	R(7)	N	R(7)	R(7)	R(7)
Radio or TV Station	R(7)	N	R(7)	R(7)	R(7)

*Laboratories and Research Facilities require Commerce/Office land use plan designation. The majority of the corridor is designated Commercial by the land use plan, however, for parcels not designated Commercial, use of the residential to commercial flexibility rule or a land use plan amendment may be required.

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	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
RETAIL, SERVICES, AND ENTERTAINMENT USE GROUP*					
RETAIL USES:					
Automotive Parts Sales	N	N	N	N	N
Antique, Craft Shops	R(8)	P	P	N	P
Art Gallery	R(8)	P	P	N	P
Bookstores, Newsstands	R(8)	P	P	R(9)	P
Convenience Store	N	N	N	R(9)	R(11)
Florist, Plant Shop	R(8)	P	P	N	P
Gift Shops	R(8)	P	P	N	P
Office Equipment Sales	R(8)	P	P	P	P
Pawnshop	N	N	N	N	N
Pharmacy	R(8)	P	P	P(9)	P
Photographic Supplies	R(8)	P	P	N	P
Video Rental	R(8)	P	P	N	P
Retail Sales, other	R(8)	P	P	N	P
PERSONAL SERVICE USES:					
Barber/Beauty Shops	R(8)	P	P	N	P
Dry Cleaning (pick-up only)	R(8)	P	P	R(9)	P
Massage Therapist	R(8)	P	P	R(9)	P
Tailor	R(8)	P	P	R(9)	P
Shoe Repair	R(8)	P	P	R(9)	P
Tanning Salons	R(8)	P	P	N	P
Laundromat	N	N	N	N	N
Personal Services, other	R(8)	P	P	N	P
GENERAL SERVICE USES:					
Animal Hospital	R(10)	N	R(10)	R(10)	P
Athletic/Health Clubs, Gyms	R(8)	P	R(8)	N	P
Catering Hall	R(6)	R(6)	R(6)	N	R(6)
Nursery, Child Care	P	P	P	P	P
Photocopying, Printing Service	R(8)	P	P	P	P
ENTERTAINMENT USES:					
Adult Facilities Sexually Oriented	R(18)	R(18)	R(18)	R(18)	R(18)

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	Gateway West	Downtown	Gateway East	Griffin Commerce	<u>Node</u>
USE GROUP/USE	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>	<u>Zone 4</u>	<u>Nodes</u>
Businesses					
Game Room, Arcade	R(15)	R(15)	R(15)	N	R(15)
Movie Theater, Performing Arts	N	N	N	N	R(11)
Pool Rooms	N	N	N	N	N
<u>Private Clubs</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>
Art Studio	R(8)	P	P	N	P
Dance Instruction Studio	P	P	P	N	P
Music Instruction Studio	P	P	P	N	P
Photographic Studio	P	P	P	N	P
Bakery, Delicatessen	R(8)	P	P	R(9)	P
Bars, Lounges	R(15)	P	R(15)	N	R(15)
Night Club	N	P	N	N	R(11)
Restaurant, Fast Food	N	N	N	R(9)	R(11)
Restaurant, Standard	R(8)	P	P	N	P

*The majority of the corridor is designated Commercial by the land use plan, however, for parcels not designated Commercial, use of the residential to commercial flexibility rule or a land use plan amendment may be required.

DRAFT

	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
AUTOMOTIVE SERVICE USE GROUP					
Car Wash	N	N	N	N	R(11)
Motor Fuel Pump	N	N	N	N	R(11)
Service Stations	N	N	N	N	N
Truck, Auto, Trailer, Utility Rental	N	N	N	N	N
Vehicle Customizing	N	N	N	N	N
Vehicle, Boat, Truck Repair, Major	N	N	N	N	N
Vehicle Repair, Minor	N	N	N	N	N
Vehicle Towing	N	N	N	N	N
Vehicle, Boat, Truck Sales	N	N	N	N	N
LODGING USE GROUP*					
Bed and Breakfast Accommodations	R(6)	R(6)	R(6)	N	N
Hotels	N	N	N	P	R(16)

*Within a Residential land use plan designation, the maximum number of rooms is double the number of dwelling units permitted by the applicable plan designation. Within nonresidential plan designations which permit lodging uses, there is no density limitation.

DRAFT

	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
COMMERCE USE GROUP*					
Cabinet/Carpentry Shop	N	N	N	P	N
Contractor Shop, Yard	N	N	N	N	N
Distribution Facilities	N	N	N	N	N
Gardens, Landscape Contractor	N	N	N	N	N
Light Fabrication/Assembly	P	N	N	P	N
Mini Warehouse/Self Storage	N	N	N	N	N
Printer, Commercial	N	N	N	P	N
Warehouse, Storage	N	N	N	P	N
Wholesale	N	N	N	P	N
Wholesale Clubs	N	N	N	N	P

*Commerce uses require Commerce/Office or Industrial land use plan designations.

	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
RESIDENTIAL USE GROUP*					
Home Occupation	*	*	*	*	*
Residential, Multiple-Family: (5 to 10 du/ac)	P	R(12)	P	R(12)	R(12)
Residential, Multiple-Family: 10 to <u>22</u> du/ac)	N	R(12)	N	N	N
Mixed Res./Commercial Use	R(13)	R(13)	R(13)	R(13)	R(13)

*Residential use requires a residential land use plan designation, Regional Activity Center designation. In other plan designations, residential use may be permitted with use of the town's commercial-to-residential flexibility provisions, or may require a land use plan amendment.

DRAFT

	Gateway West	Downtown	Gateway East	Griffin Commerce	Node
USE GROUP/USE	Zone-1	Zone-2	Zone-3	Zone-4	Nodes
MISCELLANEOUS USES GROUP					
Telecom Apparatus	R(14)	N	R(14)	R(14)	R(14)
Mobile Home, RV Sale	N	N	N	N	N
Parking Lot, Rental	N	P	P	N	R(11)
ACCESSORY USES					
	R(3)	R(3)	R(3)	R(3)	R(3)

- R(1) Education uses within the Downtown (Use Zone 2) are permitted only as mixed education/commercial uses, and as such shall incorporate retail, restaurant, entertainment uses, and/or galleries open to the public, into the first floor. Such uses shall be accessible from the adjacent sidewalk along Griffin and Davie Roads with wall signage identifying the uses, must comprise at least eighty (80) percent of the structure's street frontage on Griffin Road and Davie Road, and comprise at least seventy-five (75) percent of the first floor area. Education uses shall also provide a public plaza with pedestrian amenities along the parcel's street frontage or at an alternative location equally conducive to pedestrian use by passersby.
- R(2) Reference section 12-34(Z) pertaining to Special Residential Facilities.
- R(3) Accessory uses are subject to the following restrictions:
 - (a) Drive-thru windows, including vehicular stacking lanes, are prohibited except in the rear yard, and shall not be permitted within 100 feet of a property line zoned, land use plan designated or occupied for single-family residential use provided that no drive-thru window or stacking lane shall be visible from a public right-of-way.
- R(4) Permitted subject to a Special Permit.
- R(5) Office uses may locate on upper floors only within buildings constructed after the effective date of these regulations. Buildings constructed prior to effective date designed of these regulations and designed for, and occupied by, offices may retain offices on the first floor. Offices may also occupy single story buildings.
- R(6) Subject to a special permit approved by town council.
- R(7) Satellite dish antennae only, subject to the restrictions of section 12-34(G), and subject to approval of a Special Permit for more than one (1) dish on a property.
- R(8) Retail, general services, studio and personal service uses indicated as restricted uses within the West Gateway (Use Zone 1) are limited to the first floor of a three-floor building. Such uses are not permitted in buildings with fewer than three (3) floors.
- R(9) Personal service uses and convenience retail uses are limited to fifteen (15) percent of a commerce-park type development with no freestanding signage. Such uses shall not be the sole occupants of any freestanding building, nor shall personal service and convenience retail uses comprise more than twenty-five (25) percent of any structure.
- R(10) Reference No animal hospital shall be located within two hundred fifty (250) feet of a residential zoning district, land use plan designation or single family detached use, measured in a straight air distance from the nearest point of the animal hospital building to the nearest point of any parcel land use plan designated, zoned or occupied for single-family detached residential use. There shall be soundproofing in any area where animals are contained or treated. There shall be no

DRAFT

overnight boarding, except in conjunction with medical needs associated with the animal hospital or clinic activities.

- R(11) Within the University Drive Node fast food restaurants, fuel pumps, car washes, convenience stores, nightclubs, rental parking lots, movie theaters and/or performing arts centers are prohibited.
- R(12) Permitted only as part of a mixed-use development wherein residential uses are located within the same structure as nonresidential uses, or within separate structures which are integrated into the planned mixed-use development.
- R(13). Buildings designed to contain a mix of the following uses are permitted provided any residential use is located within an upper floor, and that residential and nonresidential uses do not share the same floor: residential; office; retail; studios; galleries; educational uses; services; restaurants; and, lodging. The use of the town's flexibility provisions may be required in order to permit a mixed-use structure or mixed-use development.
- R(14) For purposes of Article XV which regulates the location of telecommunication apparatus by zoning designation, the zoning of any given parcel of land within the Griffin Corridor District shall be the zoning district that first permits the most intense use of the parcel.
- R(15) Permitted as an accessory use to restaurants and hotels.
- R(16) Hotels are prohibited in the University Drive Node.
- R(17) Hospitals are prohibited in the University Drive Node.
- R(18) Governed by [Section 12-34\(A\)](#), Location of Designated Sexually Oriented Business Uses.

Sec. 12-32.507. Permitted uses.

(A) *Mixing of Uses.* Uses can be mixed horizontally or vertically, subject to the rules of this subsection.

(1) Horizontal mixing via separate buildings is permitted, subject to compatible integration of buildings. Compatible integration shall ensure, at a minimum, that residential uses are not facing, proximate to or accessed through nonresidential loading areas; that all buildings within the development share one harmonious architectural style, with nonresidential buildings having residential design features; and, nonresidential uses within separate buildings upon on the same lot as residential uses shall be limited to those uses that can also be integrated compatibly within the same building.

(2) Building setbacks and landscape buffers for mixed-use developments where the residential use is located in separate building(s) from the nonresidential use(s) but integrated into the overall development, shall be determined based upon the design of the proposed development as reflected in a master plan or site plan, as appropriate.

(3) Mixing of residential and nonresidential uses within the same building is encouraged in any location where both use types are permitted by Table 12-32.507(C), below, subject to functionally appropriate separation of the uses, which may include but is not limited to: separate stories; separate access; separation and buffering of residential units from loading areas and noisy nonresidential uses via one (1) or more intervening stories of office use, extra-thick concrete floors, soundproofing on ceilings, walls and sound-containing openings, operational standards and time limits, or other proven technique acceptable to the town. Live/work units shall provide internal access between the residential and nonresidential components.

(4) The residential and commercial portions of a live/work unit shall be mutually accessible from the interior of a building.

DRAFT

(5) Mixing of residential use with industrial uses shall be permitted only upon a town determination of compatibility, and shall require an upper floor location for residential use at the street frontage of the building.

(B) *Accessory Uses are Permitted.* Family day care homes and home occupations are subject to the detailed use provisions of section 12-34(J) and (N), respectively. One accessory dwelling with up to seven hundred and fifty (750) square feet of floor area (see definition of Floor Area, Minimum in section 12-503 for calculation), is permitted accessory to a single-family detached 1 residence, subject to density limitations of the comprehensive plan. Accessory dwellings may be part of the principal building, or an accessory building, on the ground floor or an upper story.

(C) *Schedule of Permitted Uses.*

KEY:

P = Permitted

N = Not Permitted

(*) = Permitted subject to section 12-34, "Detailed use regulations"

(#) = Permitted subject to corresponding table footnote

Unlisted uses that are similar to permitted uses within a given district shall be permitted, provided such uses are not listed as permitted uses in other districts.

TABLE 12-32.507(C) Table of Permitted Uses

Permitted Uses	Transit-Oriented Street(9)	RAC-RTE RAC-RTW Districts	RAC-ED District	RAC-TC District	RAC-ND2 District	RAC-ND4 District
RESIDENTIAL						
Dwelling, Single-Family Detached, Semi-Detached	N	N	N	N	P	P
Dwelling, Accessory to detached single-family residential	N	N	N	N	P (5)	P(5)
Dwelling, Single-Family Attached/Townhouse	N	(3)	P	P	P	P
Dwelling, Duplex	N	N	N	P	P(2)	P
Dwelling, Multiple-Family	(1)	P	P	P	(2)	P
Family Day Care Home (accessory to SFR detached)	N	N	N	N	P	P
Home Occupation	*	*	*	*	*	*
Special Residential Facilities	(*)	(*) (3)	(*)		(*)	(*)
LODGING						
Hotels	P	P	P	P	N	P
Bed and breakfast, inn	P	P	P	P	P	P

DRAFT

Permitted Uses	Transit-Oriented Street(9)	RAC-RTE RAC-RTW Districts	RAC-ED District	RAC-TC District	RAC-ND2 District	RAC-ND4 District
RETAIL						
Retail sales including all retail uses permitted within the B-2 District, subject to section 12-34	P	P	P	P	(7)	(6)
FOOD & ENTERTAINMENT						
Bakeries, Delicatessens	P	P	P	P	(7)	(6)
Bars, Lounges	(*)	(*)	P	P	(7)	(6)
Bowling, Skating	P	P	P	P	N	N
Game Room, Arcade	P	P	P	P	N	N
Adult Arcade, Amusement Center	(*)	(*)	(*)	(*)	N	(N)
Sexually Oriented Business	(11)	(11)	(11)	(11)	(11)	(11)
Bingo Establishments	P	P	P	P	N	(6)
Movie Theater, Performing Arts	P	P	P	P	N	N
Night Club	(*)	(*)	(*)	(*)	N	N
Dance Hall, Club	P	P	P	P	N	N
Restaurants (all)	P	P	P	P	(7)	(6)
SERVICES						
Dry Cleaning	(*)	(*)	(*)	(*)	(*) (7)	(6)
Athletic Club, Gym	P	P	P	P	(7)	(6)
Banks, Financial	P	P	P	P	N	(6)
Catering, Food	P	P	P	P	N	(6)
Nursery, Child Care Facility	(*)	(*)	(*)	(*)	(7)	(6)
Personal Services	P	P	P	P	(7)	(6)
Animal Hospital*	P	P	P	N	N	(6)
Printer (walk-in)	P	P	P	P	N	(6)
Repair Shop, except vehicle and boat repair	P	P	P	P	(7)	(6)
Studios, Art, Dance, Photographic, Music Instruction	P	P	P	P	(7)	(6)
COMMERCIAL, OTHER						
Recording studio	P	P	P	P	N	(6)
Auction House	(*)	(*)	N	(*)	N	(6)
Motion Picture Studio	P	P	P	N	N	N
Radio or TV Station	(*)	P	P	(*)	N	(6)

DRAFT

Permitted Uses	Transit-Oriented Street(9)	RAC-RTE RAC-RTW Districts	RAC-ED District	RAC-TC District	RAC-ND2 District	RAC-ND4 District
OFFICE						
Medical Clinic, Doctor's Office	P	P	P	P	(7)	(6)
Office, other	P	P	P	P	(7)	(6)
INSTITUTIONAL, CIVIC & PLACES OF ASSEMBLY						
Schools (all)	P	P	P	P	(7)	(6)
Education, K-12	*	*	*	*	*	*(6)
Education, adult public or non-profit	P	N	P	N	N	N
Education, adult for-profit	P	P	P	P	N	*(6)
Private Club	P	P	N	P	(7)	(6)
Mortuary	P	P	P	N	N	N
NCF District Permitted Uses (excluding any already listed herein, subject to any NCF conditions of use)	P	P	P	P	(7)	P
Governmental Buildings/Municipal Public Service Uses	P	P	P	P	P	P
Civic Center , Libraries, Museums	P	P	P	P	P	P
Place of Public Assembly	N	N	*	*	N	*
Public Park, Community Center	P	P	P	P	P	P
INDUSTRIAL & UTILITIES						
See M-1 District Permitted Uses	N	P	N	N	N	(8)
Communication Apparatus	N	(*)	N	N	N	N
Cabinet, Carpentry Shop	N	P	N	N	N	N
Distribution Facility	N	P	N	N	N	N
Laboratory	P	P	P	N	N	(8)
Utilities	P	(*)	(*)	N	N	(8)
Wireless Telecommunication Facilities	(10)	(10)	(10)	(10)	(10)	(10)
AUTO-ORIENTED						
Motor Fuel Pumps	(4)	N	N	(4)	N	N
Automobile Rental Agency	P	(*)	(*)	N	N	N
Car Wash	(4)	N	N	N	N	N
Parking Lot Rental	N	P	P	P	P	P
Vehicle repair	(4)	(4)	(4)	(4)	N	(4)

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Table notations:

(*) See section 12-34 "Detailed Use Regulations" for conditions of use.

(1) Not permitted on the ground floor within one block or six hundred (600) feet of the intersection of two Transit-Oriented Streets, whichever is greater. Transit-Oriented Streets are identified in section 12-32.505, "Transit-Oriented Streets."

(2) Multiple-family and duplex dwellings shall be designed to resemble single-family dwellings pursuant to section 12-32.506(E)(4)(c).

(3) Permitted as freestanding uses only on lots located within one quarter (1/4) mile of the proposed transit hub at the intersection of College Avenue and SR 84, at a minimum density of fifteen (15) du/ac., and on lots fronting Nova Drive, west of College Avenue.

(4) Permitted only at existing locations as of the date of adoption of these regulations, or pursuant to section 12-35, "Special Uses."

(5) Maximum size is seven hundred fifty (750) square feet; permissibility is subject to density limitations of the comprehensive plan.

(6) Permitted within any area in which M-1 uses are permitted.

(7) May be permitted in other locations by special permit, pursuant to section 12-35, "Special Uses" for uses that blend with, and serve the neighborhood residents, and for commercial uses, in locations deemed appropriate for neighborhood commercial uses.

(8) Industrial uses legally established as of the date of adoption of these regulations, and zoned M-1 or M-2 prior to the adoption of these regulations shall be entitled to the permitted uses of the M-1 District.

(9) See section 12-32.505, "Transit-Oriented Streets" for applicability.

(10) Governed by Chapter 12, Article XV, Wireless Communications Facilities.

(11) Governed by Section 12-34(A), Location of Designated Sexually Oriented Business Uses.

Sec. 12-32.510. Site development standards.

(A)

Intent: The lower four (4) stories of buildings should be built at, or close to, the street lines as dictated by the character of the street and zoning district. Provisions will be made for right-of-way encroachments such as arcades and for recessed facades for public plazas which follow the guidelines on outdoor spaces. (See open space regulations [12-32.518](#))

(B)

Pursuant to section 12-32.504, "Applicability," Article V, "Development and Use Standards", shall not apply.

(C)

Site development standards.

Figure 510-1. Illustration of terms used in table of site development standards

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Table 12-32.510(C) . Table of site development standards						
	Comments	Transit-Oriented Streets*	RAC-RTW and RAC-TC	RAC-ED and RAC-RTE	RAC-ND4	RAC-ND2
Front and corner street building placement (expressed as BTL or minimum setback)	Subject to compliance with minimum site distance triangle requirements of section 12-205(A)(6) and section 12-109	0 ft.	0 ft. 5 ft. for stoop frontages	10 ft. min. setback	5–10 feet	10–15 feet
Minimum percentage of building frontage that must coincide with the BTL	This standard determines how much of a building facade can be located to the rear of the BTL	75%	65%	n/a	50%	25
Maximum distance that a facade can extend behind the BTL. This shall not apply to courtyards, plazas and paseos.	This standard determines the allowable depth of alcoves and other variations in the horizontal plane of the facade	10 ft.	5 ft.	n/a	5 ft.	15 ft.
Minimum percentage of lot width occupied by building	Not intended to preclude driveway access for rear parking when necessary, nor use of paseos, which are encouraged for access to rear parking and interior block plazas. Driveway openings are regulated under section 12-32.517(B)	100%	90%	n/a	90%	n/a
Minimum first floor height from floor to ceiling	Intended to allow for nonresidential use on the first floor.	14 ft.	12 ft.	n/a	n/a	n/a
Minimum Interior side building setback	This standard works together with the minimum % lot width occupied by building. For example, if the minimum side setback is "0" but the building must occupy 100% of lot width, then the "0" side setback becomes mandatory, not a minimum.	0 ft.	0 ft.	0 ft.	0 ft.	Min. 5 ft.
Minimum rear setback with rear alley (or rear street designated to serve the same function)		5 ft.	5 ft.	5 ft.	25 ft.	25 ft.
Minimum rear setback without rear alley or street	Intended to reserve space for rear alleys. Where town determines no alley reservation is required, minimum setback is 5 ft. for residential accessory buildings and 10 ft. for principal residential structures. Setback for nonresidential structures can be eliminated if parking and loading requirements are otherwise satisfied.	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Permitted frontage types	See Table 12-32.511(C)					

DRAFT

Minimum dwelling unit floor area	Efficiency: 500 s.f. One-bedroom: 750 s.f. Two-bedroom: 900 s.f. Three-bedroom: 1,000 s.f. Detached SFR: 1,000 s.f.					
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*See [section 12-32.505](#), "Transit-Oriented Streets" for applicability

(1)

General notations.

(a)

Civic buildings, as determined by the town council, on sites that are located at the terminus of a street or vista shall be positioned on the site so as to signify the view axis with either a centered facade, tower, or some vertical architectural feature.

(b)

Lots fronting SR 84 are subject to a thirty (30) foot landscape buffer on SR 84 pursuant to [section 12-107](#), "Landscaping standards for lots and sites." The requirements of the CC, Commerce Center District shall apply in lieu of the standards in Table [12-32.510\(C\)](#), above, but shall not supersede the intensity standards of Table [12-32.509\(E\)](#).

(c)

Frontage standards will provide for encroachments.

Sec. 12-32.515. 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)

DRAFT

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)

~~Decorative fencing is permitted in all districts, and is the only type of fencing permitted in any front yard. Decorative fencing shall not exceed three (3) feet in height. Approved decorative fencing materials are wooden shadowbox, picket fencing, and decorative steel, iron and aluminum. 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.

DRAFT

Sec. 12-33. General regulations.

(A) *Accessory Uses and Structures:*

(1)

In residential districts accessory buildings ~~and uses and structures such as paved or paver-block patios, pools, spas, screen enclosures and recreation areas,~~ shall not be located in any required yard other than a rear yard; ~~except for portable storage units.~~ except that walkways up to four (4) feet in width may be allowed in any required yard if set back at least five (5) feet from any property line).

(2)

~~In residential districts all accessory uses, storage sheds, and accessory buildings up to one hundred fifty (150) square feet in area, shall be located at least five (5) feet from any plot line and at least fifteen (15) feet from any street line. All accessory buildings and structures shall not exceed one (1) story or twelve (12) feet in height except in the RR, AG and A-1 districts. Storage sheds, and accessory buildings and structures over one hundred fifty (150) square feet in area shall be subject to the limitations on location of a building and shall not be placed in any required yard. Despite any provision to the contrary in Article V, in residential districts, accessory buildings such as storage sheds and pool pump houses up to one hundred fifty (150) square feet in area may be located as close as five (5) feet to a property line or as close as fifteen (15) feet to a street line and no such structure shall exceed one (1) story or twelve (12) feet in height, except the RR, AG and A-1 districts.~~

(3)

In nonresidential districts all accessory uses and structures, except landscape features, shall be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts.

(4)

In all districts an accessory building or structure shall not be of greater height than a principal building on the plot; provided, that this limitation shall not apply in M-2 or M-3 districts.

(5)

Accessory buildings shall not occupy more than fifteen (15) percent of a required rear yard area.

(6)

In residential districts, the location of screen enclosed patios of either solid or screen roof construction shall be subject to the following regulations:

(a)

In all residential districts, screen enclosed patios may be placed in a required rear yard subject to the limitations below, but shall not be placed in a required front, side, or street side yard;

DRAFT

(b) In all residential districts, except the PRD and PURD districts, screen enclosed patios may extend into the required rear yard by no more than fifty (50) percent of the required rear setback, but shall maintain a minimum ten (10) foot separation from the structure to the rear property line;

(c) In the PRD and PURD districts, screen enclosed patios shall maintain a minimum five (5) foot separation from the structure to the rear property line and shall maintain the required side setback as established by the conceptual master land use plan for the development from the structure to the side property line.

(7) In residential districts, the location of accessory swimming pools shall be subject to the following regulations:

(a) Swimming pool enclosure requirements as set forth below.

(b) Unenclosed pools or screen enclosed pools may be placed in a required rear yard subject to the limitations below, but shall not be placed in a required front, side, or street side yard;

(c) In all residential districts, except the PRD and PURD districts, unenclosed pools or screen enclosed pools may extend into the required rear yard by no more than fifty (50) percent of the required rear setback, but shall maintain a minimum ten (10) foot separation from the unenclosed or screen enclosed pool to the rear property line. In the PRD and PURD districts, unenclosed pools or screen enclosed pools may not be located less than five (5) feet from the rear plot line and shall maintain the required side setback as established by the conceptual master land use plan for the development. Pool or pool enclosures proposed to be located within a utility or drainage easement must meet the approval of appropriate jurisdictional agencies. For the purposes of this subparagraph regulating location, the minimum distance required from the plot line shall be measured from the exterior of the screen enclosure of a screen enclosed pool and from the inner edge of water line of the pool for an unenclosed pool.

(8) Swimming pools; enclosures required:

(a) No public or private swimming pool shall hereafter be erected within the boundaries of the town unless the same be enclosed by a fence as herein provided. Any person, firm or corporation desiring to erect such a pool

DRAFT

and fence must first obtain a permit from the town building department before commencing construction.

(b)

The fence shall take the form of a wooden fence, a wire fence, a rock wall, a concrete block wall or other material, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property. The minimum height of said fence shall not be less than five (5) feet. A screened-in patio area completely enclosing the pool shall constitute compliance with this section of this regulation.

(c)

The fence shall be erected and maintained so that it shall enclose the swimming pool area entirely, prohibiting the unrestricted admittance to the enclosed area. Where property directly abuts a waterbody, no fence shall be required along the plot line(s) bounded by water.

(d)

Any and all gates in said fence shall be of the springlock type so that they shall automatically be in a closed and fastened position at all times while not in actual use.

(e)

The provisions of this section shall not apply to swimming pools operated in connection with any hotel or motel.

(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)

Porches in the AG, A-1, and R-1 zoning districts may encroach into the front setback. Such porches shall be a minimum of ten (10) feet in depth and a maximum of twenty-five (25) feet in depth.

(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

DRAFT

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 (30) 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

DRAFT

hazardous substances shall be stored or kept within the portable storage unit.

(12)

Generators (Permanent Emergency Power System).

(a)

All districts:

i.

Generators shall have a minimum ten-foot setback from any/all property lines.

ii.

Generators shall comply with chapter [section 12-111](#) of the Land Development Code screening of outdoor equipment.

iii.

Generators shall comply with noise ordinance as established in [Chapter 15](#) of the Code of Ordinances.

(b)

All residential districts:

i.

Generators shall be placed within the building envelope or side and/or rear of the yard with a minimum ten-foot setback from the property lines.

(c)

All non-residential districts:

i.

Generators shall be considered a site plan modification and shall follow procedures established in [section 12-374](#), Modification of site plan.

ii.

Generators shall not be located within the required landscape buffer and/or open-space.

iii.

Generators shall not be located within any required parking space.

(13)

Under-ground containers for natural gas (Liquefied Petroleum).

(a)

All districts:

i.

Container shall be located within the open space of the property with a minimum ten (10) feet setback from any property line.

ii.

DRAFT

Container shall not be located in easements and/or landscape buffers.

iii.

Container and filling connection shall be setback a minimum of five-foot from driveway or parking area.

iv.

Container lid or top of container shall be at grade level.

(B)

Blasting:

(1)

Adoption of Broward County Blasting Ordinance. Broward County Ordinance No. 79-63, as adopted and amended, including any and all revisions made subsequent to this date, including policy statements, is hereby adopted as if set forth herein, and the whole of the ordinance and amendments or revisions are hereby declared to be a part of this Code of Ordinances.

(2)

Definitions. All terms used in this article, unless otherwise defined, shall be construed to be the common definition.

Blaster. A person employed by a user who detonates or otherwise effects the explosion of an explosive or who is in immediate personal charge and supervision of one (1) or more other persons engaged in such activity.

Blasting agent. Any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, in which none of the ingredients is classified as an explosive; provided, that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitro carbo nitrates by department of transportation regulations shall be included in this definition.

Explosives. Any mixture, compound or material capable of producing an explosion, including, but not limited to, dynamite, nitroglycerin, trinitrotoluene, blasting caps and detonators, but not including fireworks.

User. The person who, as ultimate consumer of an explosive, purchases same from a dealer or manufacturer/distributor, or acquires the possession of any explosive by any other means. A user shall be licensed in the name of one or more individuals who shall be licensed in accordance with the procedures outlined in section 12-19 of Broward County Ordinance No. 79-63. No sales will be made to users unless authorized by a licenses individual.

(3)

Blasting prohibited; exceptions:

(a)

It shall be unlawful to blast in the Town of Davie except as required for drainage canals and utility systems. Such activities shall be in strict

DRAFT

conformance with the provisions of subsection (4) below. Blasting and use of explosives may not be used in conjunction with excavation activities.

(b)

It shall be unlawful to blast in the Town of Davie when such blasting would result in a monthly averaged vector sum particle velocity of four-tenths (0.4) inch per second as defined in [section 12-38](#) of Broward County Ordinance 79-63. However, the maximum vector sum particle velocity that shall be allowed is 0.50 inch per second, or less, as any amendments to Broward County Ordinance 79-63 may reflect. The vector sum particle velocity shall be measured on the ground at the nearest building or structure not owned by the user or, when measured at a distance of five thousand two hundred eighty (5,280) feet from the blast, when the nearest structure not owned by the user is more distance than one (1) mile from the blast. Deviation from the maximum vector sum particle velocity of 0.50 inch per second shall be accepted by the development services director upon certification by the seismologist and verification by the special inspector that a higher particle velocity will not exceed guidelines set forth for thresholds of damage per the U.S. Bureau of Mines.

(4)

Permit for blasting:

(a)

The town may grant a permit for blasting only after an application therefor has been submitted accompanied by the following:

1.

A location sketch and a plot plan to show the property owned by the applicant with reference to contiguous streets, highways and platted areas, showing thereon the proposed land development, with cross-sections to show elevations prior to development as well as approximate elevations after development. The plans, maps, elevations and cross-sections required by this section shall be made and sealed by a surveyor or engineer registered as such by the State of Florida.

2.

An opinion letter from a person qualified and experienced in local geology that blasting is required on the property owned by the applicant in order for excavation and development to occur. The opinion letter shall be accompanied by appropriate geologic tests.

3.

A preliminary report of the type of blasting to be performed, including the type and amount of explosives for each blast or delay series, delay interval, arrangements and spacing of charges, and names and qualifications of persons in charge of loading and firing

DRAFT

and persons responsible for maintaining instrument readings and persons responsible for response to complaints.

4.

After the initial blasting has occurred on the site, the owner shall submit to the town a report as to the conformance of the actual blasting indicated in item 3. above. If there are changes in the proposed blasting report due to the geology of the site, the owner shall submit to the town a new blasting report.

5.

The town may require, at the option of the director of development services, that the owner engage the services of a special inspector, approved by the town and familiar with blasting procedures, to supervise and observe the blasting operations. The special inspector shall verify through the placement of seismographs at predetermined location, or where required by resident, the monthly average vector sum particle velocity as well as the maximum vector sum particle velocity for all blasts performed under each permit issued by the town. The special inspector's fee shall be paid for by the owner.

(b)

A permit granted pursuant to the above shall be subject to limitations and conditions as:

1.

Days and hours when blasting may be performed.

2.

The duration of the permit.

3.

Verification that the applicant possesses public liability insurance. Proof of insurance shall be submitted to the town prior to the start of blasting operations, in an amount not less than one hundred thousand dollars (\$100,000.00) per person and five hundred thousand dollars (\$500,000.00) per occurrence. An excess umbrella policy shall be provided in an amount not less than one million dollars (\$1,000,000.00). The amount of insurance necessary shall be determined by the following formula:

$$\frac{U}{0.4 (Bm + Bn)} = I$$

I	=	Insurance factor.
U	=	Number of residential or nonresidential units within a one-mile radius of the property.
Bm	=	Magnitude of blast expressed in pounds of explosives used per hole per event.
Bn	=	Number of blasts expressed in actual number of detonations per event.

DRAFT

4.

The plan provided by the owner shall be used in determining the variables to be used in the above formula. Title insurance to be carried by the owner shall be calculated by using the following formula:

I value	Coverage
0.00—0.50	\$1,000,000.00
0.51—1.00	2,000,000.00
1.01—3.00	3,000,000.00
3.01—4.00	4,000,000.00
4.01 and up	5,000,000.00

5.

The development services department shall be notified a minimum of forty-eight (48) hours prior to commencement of blasting.

6.

Verification that the blasting activity has not resulted in a monthly averaged vector sum particle velocity in excess of four-tenths (0.4) inch per second, as defined in [section 12-38](#) of Broward County Ordinance No. 79-63, when measured at the closest structure not owned by the user or, when measured at a distance of five thousand two hundred eighty (5,280) feet from the blast, when the nearest structure not owned by title user is more distant than one (1) mile from the blast.

7.

A preblast survey shall be conducted by the owner on those properties which, in the opinion of the special inspector, would be directly affected by the blasting.

(5)

DRAFT

Violations. Violations include failure to perform any requirement set forth in this article or in the event of any of the following circumstances occur:

- (a) Noncompliance with any condition placed upon the permit.
- (b) In the event that instrument readings verify blasting activities not in accordance with this article.
- (c) Violation by the applicant or designee of any provision of any explosives law or regulation; or in the event that false information was given or misrepresentation was made to obtain the permit.

(6)

Penalties for violations. The director of development services is hereby authorized to penalize permittees for violations. The penalty for violation shall be made in the following manner:

- (a) Upon initial violation, the permit holder shall be formally notified of the violation and shall be required to immediately conform with the provisions of this article.
- (b) Upon a second infraction of this article, the permit holder shall be fined in the amount of five hundred dollars (\$500.00).
- (c) A third violation shall result in the immediate suspension of the permit and, upon review by the approving authority, revocation if warranted.

(C)

Boats as Residences; Boathouses and Boat Slips:

(1)

No boat or vessel shall be used or maintained for sleeping or living purposes or as a place of residence except if located in a marina approved pursuant to these regulations.

(2)

The following regulations shall apply to boathouses and boat slips in residential districts:

- (a) Height of Boathouses: No boathouse shall be erected or altered to a height exceeding fifteen (15) feet.
- (b) Setback of Boathouses: No boathouse shall be built less than five (5) feet from the established bulkhead or waterway line or less than fifteen (15) feet from any side plot line.
- (c)

DRAFT

Accessory Building Attached to Boathouses: No accessory building to a boathouse which is attached thereto and a part thereof shall be erected or altered less than twenty (20) feet away from the waterway line or established bulkhead line.

(d)

Detached Accessory Building to Boathouse: No detached building accessory to a boathouse shall be erected or altered less than thirty (30) feet away from the waterway line or established bulkhead line.

(e)

Area of Boathouses:

1.

No boathouse or similar structure shall exceed twenty (20) feet in width measured on a line parallel to the waterway line, nor exceed twenty (20) feet in depth measured at right angles to the waterway line.

2.

No boathouse, boat slip, or other similar structure nor accessory building, attached or detached shall be erected or altered less than fifteen (15) feet away from any other residentially zoned property.

3.

Boathouses, boat slips and/or buildings accessory thereof, singly and collectively, shall not occupy more than twenty-five (25) percent of the area of the plot.

(D)

Canopies: In all non-residential districts, no canopy shall be erected which has a minimum slope of less than three (3) inches in twelve (12) inches or a maximum slope of more than twelve (12) inches in four (4) inches.

(E)

Clearing and Grubbing: Prior to the clearing and/or grubbing of land, a permit shall be obtained, pursuant to the requirements of [Chapter 26](#), Article IV. In addition, prior to said clearing and grubbing permit being issued, a valid site plan must be approved for said parcel of land, except in cases further enumerated within [Chapter 26](#)

(F)

Commercial Business in Private Garage: No commercial business concerned with motor vehicles shall be conducted in a private residential or community garage. Space in a private residential or community garage shall not be leased for storage or use by a commercial vehicle.

(G)

Commercial Vehicle Parking: Trucks, commercial vehicles, agricultural equipment or construction equipment shall not be parked, stored or maintained within a residentially zoned district, whether on private property, public property, swale areas or public or private road rights-of-way except as provided for herein:

DRAFT

(1)

For the purposes of this section, the following shall apply:

(a)

Commercial vehicle, for the purposes of this section, shall mean any vehicle whatsoever designed, intended or used for profit or hire, including, but not limited to, vans, trucks, farm tractors, farm trailers, tow trucks, tractor-trailers, semitrailers, buses and trailers of any nature.

(b)

Construction equipment shall include any equipment used in land clearing and development, building, construction, utility construction or road construction.

(c)

Agricultural equipment shall include any farm or grove implements principally operated in agricultural or horticultural pursuits and shall include farm tractors and farm trailers not otherwise comprehended within the term commercial vehicle.

(2)

A commercial vehicle of not over five thousand (5,000) pounds gross vehicle weight may be parked on a plot whose principal use is residential, only where the commercial vehicle is used by a resident on the premises; provided, however, that any equipment in such commercial vehicle which would otherwise be exposed to public view shall be covered with a secured tarpaulin; and further provided such commercial vehicle may not bear sign or advertising except as required by law. This subsection shall not permit residential parking of tow trucks or other commercial vehicles equipped with a hoist or device for towing or lifting nor shall it permit residential parking of industrial or construction equipment.

(3)

A commercial vehicle of not over six thousand five hundred (6,500) pounds gross vehicle weight may be parked on a plot whose principal use is residential, where the commercial vehicle is used by a resident of the premises; is completely concealed from public view by a building, screen fence, wall or dense shrubbery, and is parked within a garage, carport, the rear yard or side yard of the premises. This subsection shall not permit residential parking of tow trucks or other commercial vehicles equipped with a hoist or device for towing or lifting nor shall it be construed to permit residential parking of industrial or construction equipment.

(4)

Personal utility trailers or personal trailers that transport livestock, boats or other machinery or materials may be stored or maintained within residentially zoned districts; provided, that in all residential districts except RR, A-1, AG and R-1, such trailer is parked in a carport, garage or in the rear yard or side yard and concealed from public view.

(5)

DRAFT

Commercial vehicles shall not be parked or stored in swale areas overnight.

(6)

Agricultural equipment shall not be permitted to be parked in residential areas other than those zoned RR, A-1 and AG. Additionally, farm trailers, stock trailers, farm tractors and heavy equipment used in an agricultural or horticultural pursuit may be stored or maintained in RR, A-1 and AG districts on property belonging to the owner of the tractor, trailer or heavy equipment without reference to the restrictions of this section.

(7)

This section shall not prohibit residential parking of any personal recreational vehicle, provided that such recreational vehicle shall not be parked or stored overnight within a front yard, sidewalk or swale area; nor shall it prohibit short-term parking of commercial vehicles owned or operated by tradesmen or other persons engaged in rendering services within the residential district.

(H)

Commercial Vehicle Parking Restricted in Certain District:

(1)

Commercial vehicles, other than those accessory to a permitted use, shall not be parked, stored or maintained on any property located in a B-1, B-2, UC or B-3 district.

(2)

"Commercial vehicle" shall mean any vehicle whatsoever designed, intended or used for conducting business or for profit or hire, including, but not limited to, vans, trucks, tractor-trailers, farm tractors, tow trucks, semitrailers, buses and trailers of any nature.

(3)

Accessory to a permitted use shall mean a use customarily and, in fact, incidental to and subordinate to the main use of the premises not otherwise prohibited in that district.

(I)

Corner Lot Yard Regulations:

(1)

Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets.

(2)

When the rear yard of a corner lot adjoins the front yard of a lot to its rear, no accessory buildings on such corner lot shall be located nearer to the street line than a distance equal to the depth of the front yard requirement for that lot to the rear of the corner lot.

(J)

Docks and Wharves:

(1)

DRAFT

Dockage space and facilities for mooring pleasure boats, yachts and noncommercial watercraft shall be permitted in any residential district on any waterway as an accessory use to a residential occupancy of a plot.

(2)

No dock shall project more than five (5) feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than fifteen (15) feet to the side plot line of any other residentially zoned property under separate ownership.

(K)

Errors and Violations.

(1)

The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which it authorizes is lawful.

(2)

The issuance of a permit upon plans and specifications shall not prevent the enforcing officer from the thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or any regulation of the town.

(L)

Excavations Prohibited; Exception.

(1)

(a)

It shall be unlawful for any person, firm, corporation or association to operate or undertake an excavation in the town, except as otherwise provided for in this chapter.

(b)

It shall be unlawful to remove any materials, including sand, gravel, rock or topsoil, from the premises except surplus not required for grading of the premises. Such surplus materials in excess of two hundred fifty (250) cubic yards may be removed from the premises only after issuance of a special permit has been approved by the town council.

(c)

The council may, after a public hearing as outlines in Division 2 of Article X, grant a special permit for removal of surplus materials only after an application has been submitted accompanied by the following:

1.

A plot plan to show the property owned by the applicant with reference to streets, highways and contiguously platted areas, showing thereon the proposed land development with cross-

DRAFT

sections to show approximate elevation thereof after development as well as prior to development.

2.

The plans, maps, elevations and cross-sections required by this section shall be made by a surveyor or engineer registered as such by the State of Florida.

3.

A permit fee as set by the council by means of a resolution enacted by a majority of the council, at a public hearing, with proper legal advertising.

(2)

The engineering department may issue a construction permit for the excavation of earth materials in accordance with the provisions of this section on an existing single-family lot or pursuant to an approved site plan.

(M)

Exclusions from Height Limits. Cupolas, steeples and domes not exceeding in gross area at maximum horizontal section thirty (30) percent of the roof area and flag poles, airplane beacons, broadcasting towers, antennae, chimneys, stacks and tanks used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building. Radio and television antennae for receiving purposes only shall not be subject to height limits.

(N)

~~*Existing Lots of Record.* In all residential districts where a lot of record existed at the time the ordinance from which this section was derived was adopted, and such lot of record is occupied by a single family dwelling, duplex dwelling or mobile home that adhered to all existing requirements of the zoning district classification in effect at the time of construction, such lot shall enjoy a vested right in and to permitted setbacks existing under zoning district classification regulations at the time of construction. (Reserved)~~

(O)

Fences, Walls and Hedges.

(1)

Except as provided in subparagraph (3) of this section, no fence or wall shall be erected or maintained along or adjacent to a plot line for residentially zoned property to a height exceeding six (6) feet, except that where the plot line is adjacent to a nonresidentially zoned property, there shall be an eight-foot limit on the height of a fence or wall along such plot line. The limitations on fence height in this paragraph, other than those referenced to in subparagraph (3) shall not apply to the RR, AG, and A-1 district, except as provided for in sections 12-286 and 12-288

(2)

DRAFT

No fence or wall shall be erected, placed or maintained along a plot line of any nonresidentially zoned property adjacent to residentially zoned property to a height exceeding eight (8) feet.

(3)

In any residential district no opaque fence, wall or hedge shall be erected, constructed, maintained or grown to a height exceeding two (2) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of the street lines produced.

(4)

Fence height shall be measured from the finished grade of the property upon which the fence is to be installed.

(5)

Property in a business or industrially zoned district that directly abuts residentially zoned property or district or lot designated for residential use by the Davie Land Use Plan shall be separated by a continuous unpierced masonry wall six (6) feet high, finished on both sides with two (2) coats of cement stucco, painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property. Such wall or fence shall not be necessary during such time as the business or industrial property is vacant land.

(6)

All yards used for storage within industrial use areas shall be enclosed with a continuous wall of masonry or pre-cast concrete, no less than eight (8) feet and no more than ten (10) feet high to screen the contents of such yard from the view of the surrounding property.

(7)

Drawings submitted for site plan review may contain an alternate method of physical separation consisting of a landscaped berm, wall or fence or a combination of same, arranged to conceal direct view of the service entrances of commercial buildings and located completely on the commercial property and may be recommended at the discretion of the site plan committee.

(8)

Required planting of buffer yards shall be placed along the outboard view of a wall or fence.

(9)

All masonry screen walls erected in the town shall be finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, and painted on both sides.

(10)

As to "E" District Zoning, fences already built on lakefront property consistent with a validly issued permit from the town are conforming provided it complies with all applicable Codes and Ordinances. As to any other fences desired by a lakefront lot property owner in the "E" District Zoning, the town may issue a

DRAFT

fencing permit to a lakefront lot property owner which is above the minimum size required and has within the lot excess lot area which is considered open space provided the fence has unlocked latch gated access to the open space on two sides through the lot so that the residents of the "E" District development have access to the open space contained within the lot. However, a lot owner is not entitled to build a fence which in any way fences, encroaches upon or blocks any recreation trail and/or equestrian trail and/or other trail and/or path. Nothing in this section is meant to or shall be construed to take away from other lot owners within the "E" District developments their rights concerning the open space, and the lot property owner obtaining a fencing permit does so with the knowledge and understanding of the interest or potential interest of other lot owners within the residential development concerning open space. Any owner must submit an approval from their respective Homeowner's Association with an application for a fencing permit under this subsection. Nothing in this chapter diminishes a property owner obligation to fully comply with F.S. Chapter 515.

a.

Long Lakes Estates. As to any other fences desired by a property owner whose property is contiguous to the bridle path or a canal, the town may issue a fencing permit to that property owner to the bridle path or to the canal, respectively, which lot is above the minimum size required and has within the lot excess lot area provided the fence has unlocked latch gated access to the open space on two sizes through the lot. Any owner must submit an approval from the Long Lakes Estates Homeowners' Association with an application for a fencing permit under this subsection. Nothing in this subsection diminishes a property owner's obligation to fully comply with F.S. Ch. 515.

(11)

In the AG, A-1, and R-1 zoning districts, walls and fences shall be governed by the provisions of sections [12-286](#) and [12-288](#)

(P)

Filling of Lakes and Ponds Prohibited, Exception.

(1)

It shall be unlawful for any person, firm, corporation or association to fill any lake, pond or other water body in the town, without first obtaining a permit for such activity.

(2)

The filling of any lake, pond or other water body with material obtained from off-premises in excess of three thousand (3,000) cubic yards shall be permitted only after issuance of a special permit has been approved by the town council.

(3)

The filling of a pond not to exceed three thousand (3,000) cubic yards which is wholly contained on a single lot or parcel shall not necessitate the approval of a special permit by the town council.

DRAFT

(4)

An application for such special permit shall be accompanied by the following:

a.

A plot plan to show the property owned by the applicant with reference to streets, highways, and contiguous platted areas showing thereon the proposed land development with cross-sections to show approximate elevation thereof after development as well as prior to development.

b.

The plans, maps, elevations and cross-sections required by this section shall be made by a surveyor or engineer registered as such by the State of Florida.

c.

A permit fee as set by the Council by means of a resolution enacted by a majority of the Council, at a public hearing, with proper legal advertising.

d.

A statement describing the scope of work to be accomplished, the type of material to be used as fill, the source of fill material including location of same, proposed haul route(s), and any other pertinent information deemed necessary by staff to adequately review the special permit request.

(Q)

General Provisions Pertaining to All Business Districts.

(1)

Parking garages shall cover no more than forty (40) percent of the lot area. In no event shall a parking garage violate any yard regulations.

(2)

Landscaped berms of earth created to conceal parking, acting as a visual/noise buffer, or to achieve landscape effects, may be included as landscaped open spaces if they are created in a manner that will not cause drainage problems on the property or on neighboring properties. The use of such berms is encouraged.

(3)

When a lot is located in a block partially zoned residential, requirements of that residential district shall apply to the front yard of any lot zoned commercial.

(4)

Side and rear yards may be used for parking and loading but may not be used for open storage of materials.

(5)

Outdoor storage of merchandise, except for vehicles displayed in conjunction with permitted vehicle sales activities and live plant material clearly ancillary to the primary commercial activity, shall be prohibited.

(6)

Access to commercial/office facilities shall be restricted to strategic locations that represent the safest and most expedient method of directing traffic off the street

DRAFT

into parking areas. Traffic signals may be required, if such devices are justified. Turning, deceleration and/or acceleration lanes may be required on all street types regardless of size in order to keep the traffic moving smoothly at the designated roadway design speed.

(7)

Off-street loading/unloading facilities should be located in areas that will create the least adverse impact on adjacent land uses, particularly residential, in terms of noise, air and visual pollution.

(8)

A service drive shall provide vehicles with access to the loading/unloading areas, designed to facilitate smooth, efficient operations. Loading/unloading operations shall not commence before 6:00 a.m. nor continue past 9:00 p.m. on any day of the week.

(9)

The parking, storing and maintenance of trucks, vehicles, etc., associated with the normal operations of commercial facilities shall not be allowed in off-street parking areas designated for public use.

(10)

Every office, bay, space, store, building and every portion of an office, bay, space, store and building subdivided into individual units shall have an owner's identification signs, indicating to the public the exact firm name of the occupant. Such signs shall be installed under permit and shall be in conformance with the approved site plan for the development and in accordance with signage permitted in the appropriate zoning districts.

(11)

When an outparcel is created within any of the business or industrial districts, said outparcel shall not be created so as to diminish the street frontage of the overall development by more than twenty (20) percent. There shall not be created two or more contiguous outparcels within a single overall development. Development of outparcels created pursuant to the regulations contained herein shall be evaluated in terms of the overall development within which it is located. Access to the outparcel shall be provided from the overall development. All landscaping, parking and open space requirements of the applicable zoning district shall be satisfied on-site unless otherwise provided for within the overall development; the developer shall submit appropriate documents ensuring compliance. A maximum of one (1) outparcel may be created within an overall development for each fifty thousand (50,000) square feet, or fraction thereof, of gross building area.

(12)

Permanent, free-standing and unoccupied kiosks may be approved by town council (after consideration by the development review committee and site plan committee) in any of the Commercial, Office and Business Districts, provided that they are used only for financial or retail services which are otherwise permitted within the particular zoning district, specifically excluding the sale of

DRAFT

food or drinks. Kiosks shall have a footprint of no more than one hundred (100) square feet, shall not permit customer access to the interior, and shall be consistent with the architecture of existing structures on site. No kiosk shall be located closer than one thousand (1,000) feet from another kiosk, nor shall more than two (2) kiosks be located in any one (1) shopping center. A drive-through kiosk is permitted, provided that the site plan provides sufficient traffic circulation and vehicle stacking as determined by the town engineer.

(R)

Group Housing. When two (2) or more separate buildings for dwelling purposes are erected or placed on the same plot, minimum front, side and rear yards shall be provided as required by this chapter. The spacing, arrangement and distance between buildings on the plot shall be subject to the approval of the town council to provide adequate light, air, privacy and safety in accordance with the spirit and purpose of this chapter.

(S)

Maintenance.

(1)

All setback areas, yards, walkways, driveways and parking areas shall be maintained and kept in a neat and clean condition, free of refuse and debris.

(2)

All landscaped areas shall be maintained in a live, healthy and growing condition, properly watered and trimmed. Any planting of grass, shrubs or trees which become dead or badly damaged shall be replaced with similar sound, healthy plant material.

(T)

Moving of Buildings. No building or structure shall be moved from one plot or premises to another unless such building or structure shall thereupon be made to conform with all provisions of this chapter relative to building or structures hereafter erected upon the plot or premises to which such building or structure shall have been moved.

(U)

Nuisances. For the purposes of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located within any district. This includes, but is not limited to, keeping, allowing or maintaining anything on the premises in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, vibration or noise (including the barking of dogs or any noises or odors emanating from any animal, fish or fowl); the keeping or the deposition (depositing) on or the scattering over the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cans or containers; the failure to keep or maintain all lands, lots and other premises in any district clean, sanitary and free from weeds or overgrowth; the keeping, maintaining, propagation, existence or permitting of

DRAFT

any thing by any person or entity by which the life or health of any person or persons may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused or the environment of any person or place rendered unclean or unsanitary by the act of another or others. The purpose of this section is to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of any district.

(1)

No farm operation which has been in operation for one (1) year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

a.

The presence of untreated or improperly treated human waster, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

b.

The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

c.

The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

d.

The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(2)

No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for one (1) year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(V)

Open Space Requirements. No yard or other form of open space provided around any building or use for the purpose of complying with the provisions of these regulations shall be considered as a provisions for the open space for any other building or use.

(W)

Outstanding Permit.

(1)

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Where, at the effective date of the ordinance from which this chapter was derived, there are outstanding valid building permits authorizing the construction of buildings, structures, additions or alterations, the use or construction of which does not conform to the requirements of this chapter, such permits shall be void unless actual construction work, excluding grading or excavating, is underway within sixty (60) days of the effective date of the ordinance from which this chapter was derived.

(2)

Where, at the effective date of the ordinance from which this chapter was derived, there are outstanding valid permits authorizing the use of land or building without construction work, and where such use is not permissible under the terms hereof, such permit shall be void unless the use is actually in operation on that date.

(X)

Outdoor Activities Restricted.

(1)

All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building except as follows:

a.

Automobile parking lots, including display and parking lots associated with permitted automobile, truck, recreational vehicle and/or boat dealerships.

b.

Nonresidential agricultural uses.

c.

Designated seating areas when utilized as an accessory use to a restaurant, pursuant to an approved site plan and when permitted pursuant to the zoning district.

d.

In the CR, Commercial Recreation District only, commercial recreational activities may be permitted outdoors.

e.

Boats for sale and storage associated with yacht manufacturing and repair and marinas are permitted.

f.

Recycling, scrap metal processing and automobile wrecking yard operations and activities occurring within the perimeter walls and as provided for in [section 12-34\(HH\)](#).

(Y)

Pond or Lake. A pond or lake for shall be subject to a minimum twenty-foot setback from all property lines or structures. Setback area shall be measured from top-of-bank of the water body and shall be subject to a maximum slope of one-foot vertical to twenty (20)

DRAFT

feet horizontal distance. Fill shall not be removed from property except as pursuant to the conditions of [section 12-33\(K\)](#) of this article.

(Z)

Public Water and Sewer. It is the specific intent of these regulations that the availability of public water and sewer is a necessary condition for any development proposed within any district except as otherwise provided in Article XI.

(AA)

Reduction of Required Area. No lot, yard, setback, clearance, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this chapter, and if already less than the minimum required by this chapter for a new building or use, said area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided about or for any building, structure or use for the purpose of complying with the provisions of this chapter shall be included as part of a yard, setback, clearance, parking area or other space required under this chapter for another building, structure or use, unless specifically permitted under this chapter.

(BB)

Replatted Lots. No resubdivision of platted lots shall be permitted except by an approved and recorded amended plat. In any such resubdivision no lot shall be created of lesser size than the minimum lot required in the district within which such land is located.

(CC)

Setbacks from Major Streets. Where a lot existing at the time of passage of these regulations has frontage upon a street, the required setbacks for any proposed building, structure or sign shall be measured from the right-of-way line of such street.

(DD)

Storage on Residential Property. No land which is zoned in a residential district shall be used for the storage of building materials or construction equipment except when incidental to construction operations for which a building permit is in effect.

(EE)

Street Frontages Required. Every principal building or buildings shall be built upon a lot with frontage upon a street, as specified in the applicable zoning districts. In the AG, A-1, and R-1 zoning district common driveways shall be permitted in accordance with [section 12-292](#)

(FF)

Tents. No tent shall be erected, used or maintained for living quarters except for camping or recreational activities.

(GG)

Use of Residentially Zoned Property for Access. No land which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is nonresidentially zoned or used for any purpose not permitted in a residential district.

(HH)

DRAFT

Uses of Premises Without Buildings. Where a plot is to be occupied for a permitted use without buildings, the side yards and front yard required for such plot shall be provided and maintained unless otherwise stipulated in this chapter, except that side yards and rear yards shall not be required on plots used for private garden purposes without buildings or structures nor on plots used for public recreation areas.

(II)

Yard Encroachments. Every part of every required yard shall be open and unobstructed from the ground to the sky, except as hereinafter provided or as otherwise permitted in this chapter:

(1)

Cornices, eaves or gutters may project over one-third of the required yard with a maximum of five (5) feet; provided, that where the yard is less than five (5) feet in width, such projections shall not exceed one-half of the width of the yard.

(2)

Chimneys, fireplaces or pilasters may project not over two (2) feet into a required yard.

(3)

Movable awnings may be placed over doors or windows in any required yard, but such awning shall not project closer than three (3) feet to any plot line or not over five (5) feet into setback area.

(4)

In the AG, A-1 and R-1 zoning district, porches may extend into the required front setback. Such porches shall be a minimum ten (10) feet in depth and maximum twenty-five (25) feet in depth.

(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)

DRAFT

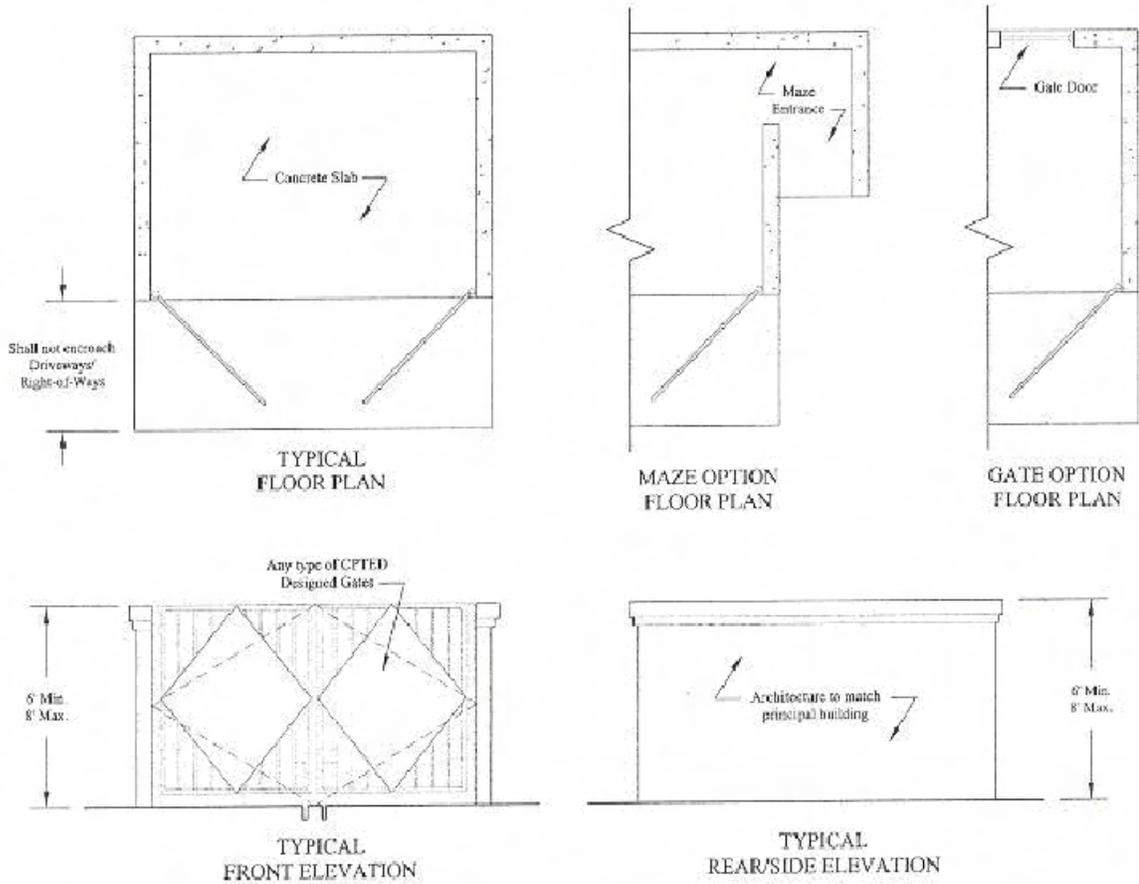


Figure 1: Dumpster Details

Sec. 12-34. Standards Enumerated 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:

(A)

Location of Designated Sexually Oriented Business Uses: ~~Notwithstanding anything to the contrary in this chapter, sexually oriented business shall be treated as permitted uses and shall not be subject to the standards particular to special permits.~~ Sexually oriented business uses shall be permitted only in the following districts: B-3 (Planned Business Center), UC (Urban Commercial) and M-3 Planned Industrial Park, subject to the requirements listed in subsection (1).

(1)

No sexually oriented business uses are permitted on a parcel of land located:

DRAFT

- a. Within one thousand (1,000) feet of any parcel of land which is designated in a residential single-family, residential multi-family, or mobile home district";
 - b. Within one thousand (1,000) feet of any parcel of land upon which a [place of public assembly](#), religious institution, child care center, school (pre-school and grades kindergarten through twelfth grade), public park or playground is located.
 - c. Within one thousand (1,000) feet of any parcel of land wherein a public library, college/university or federal, state, county, or municipal government building is located.
 - d. Within one thousand (1,000) feet of any parcel of land upon which another sexually oriented business use is located.
- (2) For purposes of this section, distance shall be by airline measurement from property line to property line, using the closest property lines of the parcels of land involved.
- (3) Sexually oriented business uses. The following uses are declared to be sexually oriented business uses as defined by this chapter:
- a. Adult arcades.
 - b. Adult bookstores/adult novelty.
 - c. Adult cabaret.
 - d. Adult motels.
 - e. Adult motion picture theaters.
 - f. Semi-nude model studios.
 - g. Adult sexual encounter establishments.
- (4) Where a sexually oriented use is located in conformity with the provisions of this chapter, the subsequent location of a residential use, [place of public assembly](#), religious institution, child care center, school, public park or playground, library, college/university or government within one thousand

DRAFT

(1,000) feet of such sexually oriented use shall not be construed to cause such sexually oriented business use to be in violation of this chapter.

(B)

Agricultural Use:

(1)

Animal housing/shelter.

(a)

That portion of any structure containing not more than three (3) stalls a maximum of twelve (12) feet by twelve (12) feet, a tack room, and feed room, used for housing or feeding livestock shall be at least forty (40) feet from any other property under separate ownership, from any public road right-of-way or any existing structure. For each additional stall not to exceed twelve (12) feet by twelve (12) feet, an additional ten-foot setback shall be required, to a maximum setback of one hundred (100) feet. This requirement shall not apply to non-residential farm buildings or structures on farms used for agricultural purpose on a plot larger than five (5) acres in size. On any farm less than five (5) acres in size, any farm building or structure on a portion of a plot occupied by a farm shall either be located not less than fifty (50) feet from any lot line, or shall have buffer consisting of an opaque fence, hedge or berm to a minimum height of six (6) feet.

(b)

Aviaries, roofed hutches, dog houses and dog runs shall be a minimum of forty (40) feet from all property lines in the RR, AG, A-1, R-1, R-2, CC, RO, O, B-1, B-2, and B-3 districts. Roofed hutches, dog houses and dog runs are not permitted within required setbacks in the R-3, R-4 or R-5, RM-5, RM-8, RM-10 districts. Aviaries are not permitted in the R-3, R-4, or R-5 districts.

(2)

Number and types of animals.

(a)

The number and types of animals shall not be restricted on farms as defined by [Section 12-503](#), subject to restrictions on the keeping or raising of pigs or hogs as set in [Section 12-34\(B\)\(7\)](#).

(b)

In the RR, AG, A-1, RO, O, CC, B-1, B-2, B-3, M-1, M-2, and M-3 districts, permitted livestock is limited to a total of eight (8) livestock on a minimum thirty-five thousand-square-foot plot, but limited to four (4) cattle and horses. Offspring of livestock kept on plot shall not be counted towards said limited number for one (1) year. Ten (10) rabbits and/or twenty-five (25) poultry are permitted on a minimum thirty-five thousand-square-foot plot, provided

DRAFT

however, that the poultry and rabbits are in a completely penned area. Up to three (3) poultry/fowl can be considered pets in all residential zoning designations.

(c)

In the R-1 district, permitted livestock is limited to eight (8) livestock on a minimum thirty-five thousand-square-foot plot, but limited to four (4) cattle and horses, ten (10) rabbits and/or five (5) poultry; provided, that two (2) additional livestock may be kept for each thirty-five thousand (35,000) square feet in excess of the minimum required plot size; and, further provided, that the poultry and rabbits are in a completely penned area. Offspring of livestock kept on plot shall not be counted towards said limited number for one (1) year.

(3)

Plant Nursery. In the RR, AG, and A-1 districts, retail sales shall be limited to agricultural products grown, kept, or raised on site, and shall be limited to a maximum of twenty-five (25) percent of the allowable building space on the site. The limitation on the size of building space shall not apply to farms used for an agricultural purpose in these districts.

(4)

Beekeeping. In the RR, AG, and A-1 districts, beekeeping is permitted on a minimum plot of five (5) acres, provided the hives are to be located a minimum of one hundred (100) feet from all property lines.

(5)

Agricultural uses such as cultivation of crops, groves, thoroughbred and pleasure horses, cattle ranches are permitted in the CC, B-1, B-2, B-3, M-1, M-2, M-3 and RO districts provided the land is free of commercial or industrial structures and such agricultural uses are discontinued upon conversion of the property to another use.

(6)

Hobby Farm.

(a)

Intent. The intent of this section is to safeguard the rights of Davie residents to continue to conduct limited agricultural activities within "semi-rural residential neighborhoods" within the town and provide protections under the Code for those residents conducting limited agricultural activities as defined within this section and section 12-503.

(b)

Hobby farm locations. Hobby farms are permitted in any residential neighborhood within the town, where limited agricultural activities are not prohibited by the Davie Town Code at the time of the adoption of Ordinance No. 2003-044.

DRAFT

(c)

Nuisance provisions. No maintenance of a "hobby farm" as defined within this section shall be deemed to be a nuisance if said activities were not a nuisance at the time of the adoption of Ordinance No. 2003-044 and the agricultural activities conducted on the property conform to Central Broward Water Management Board Best Management practices for that type of agricultural activity. No limited agricultural activities conducted in the maintenance of a "hobby farm" shall be deemed to be a public or private nuisance due to a change in the type of limited agricultural activity being conducted, a change in conditions in or around the locality of the semi-rural area or a change in the ownership of the property on which the "hobby farm" is situated.

(d)

Nonconforming status. In the event of future land use amendments or zoning changes to the contrary, any land use amendments or zoning changes to the contrary, any limited agricultural activity in a semi-rural area previously existing or commenced Ordinance No. 2003-044 shall become a legal nonconforming use, notwithstanding any change in ownership or change in the type of limited agricultural activity being conducted on the property.

(7)

The raising, breeding or keeping of swine of any type except for one (1) Vietnamese Potbellied Pig kept as a household pet, shall be presumed to be a nuisance and shall be prohibited in all zoning districts.

(8)

Raising of horses, cattle, goats, sheep, poultry and rabbits is not permitted in any residential zoning district, except for RR, AG, A-1, and R-1, and except as provided in [Chapter 12](#), Article III, Division 5, Nonconforming Uses and Structures of this Code for nonconforming uses on farms existing on the date this chapter is adopted by the town council.

(C)

Alcoholic Beverage Establishments:

(1)

Separation requirements:

(a)

Places for the sale of liquor for off-site consumption, including package liquor stores, shall be subject to the following locational limitations and requirements:

1.

Any such establishment shall be located at least twelve hundred (1,200) feet from any other similar establishment. The required one thousand two hundred-foot minimum
Pg. 68 of 133

DRAFT

separation shall be measured from the nearest point of one establishment to the nearest point of the other establishment in a straight line.

2.

Any such establishment shall be located at least one thousand two hundred (1,200) feet from any elementary, middle or high school, whether public, private or parochial, or any church. The required one thousand two hundred-foot minimum separation shall be measured from the front or main entrance door of the establishment to the nearest point of the school or church structure in a straight line.

3.

The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any applicable above uses.

(b)

Places for the sale and consumption of bottled, canned or mixed liquor, beer and/or wine on-premises, including cocktail lounges, saloons, nightclubs and/or bars, shall be subject to the following locational limitations and requirements:

1.

Any such establishments shall be located at least five hundred (500) feet from any other similar establishment. The required 500-foot minimum separation shall be measured from the nearest point of one establishment to the nearest point of the other establishment in a straight line.

2.

Any such establishment shall be located at least twelve hundred (1200) feet from any elementary, middle or high school, whether public, private or parochial, or any church. The required 1200-foot minimum separation shall be measured from the front or main entrance door of the establishment to the nearest point of the school or church structure in a straight line.

3.

The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any applicable above uses.

(c)

Places for the sale and consumption of beer and/or wine on-premises which is strictly as accessory to meals, including

DRAFT

restaurants and diners, shall be subject to the following locational limitations and requirements:

1.
Any such establishment shall be located at least five hundred (500) feet from any elementary, middle or high school, whether public, private or parochial, or any church. The required 500-foot minimum separation shall be measured from the front or main entrance door of the establishment to the nearest point of the school or church structure in a straight line.

2.
The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any applicable above uses.

(d)
The separation requirements and limitations specified under subparagraphs (a) through (c) above shall not be applicable to any church operated from a store front or from a bay in a shopping center or from any portion of an office building or from any home or other structure, unless the church is the sole owner of the property in its entirety from which the church is operating.

(e)
The separation requirements and limitations specified under subparagraphs (a) through (d) above shall not be applicable to establishments for the sale of alcoholic beverages for consumption on or off the premises which conform to the following:

1.
The establishment is part of and inside of a hotel having more than fifty (50) guest rooms and entrance to the establishment is from within the hotel with no outside direct entrance to the establishment. There shall be no show window, display, sign or other indication of the existence or location of the establishment visible from the exterior of the building other than a lounge sign and/or a sign indicating dancing and entertainment. There shall be no bar, cocktail, beer, wine, liquor or similar sign visible from the exterior of the building, including no window signs.

2.
Private clubs where only members and their guests are served and there are no indications on the exterior of the building that alcoholic beverages may be served therein.

3.

DRAFT

Night clubs shall be subject to the separation requirements specified under subparagraph (1)(a) above from schools and churches, but shall not be subject to a separation requirement from any other establishment if conforming to item 1.

4.

Restaurants having a roofed-in floor area for dining tables, chairs and/or booths accommodating not less than fifty-five (55) seated patrons, and are regularly served complete meals, shall not be subject to a separation requirement from schools, churches or any other establishment; provided, however, such restaurant has no public bars and there are no indications on the exterior of the building that alcoholic beverages may be served therein including no window signs.

(2)

Beer and wine package stores. There shall be no separation requirement or limitation applicable to the location of places for the sale of beer and wine for consumption off the premises.

(3)

Application to new churches, schools. Where an establishment as defined under subparagraph (1)(a) above is located and begins operation in conformity with the separation requirements applicable at that time, the subsequent locating of a school or church within twelve hundred (1200) feet of such existing establishment shall not be construed to put such existing establishment in violation of this article.

(D)

Auction Houses. An auction house for the sale of art, goods, antiques, jewelry, rugs and the like shall be permitted in the B-2, B-3, and B-P zoning districts subject to adequate off-street parking provisions. Auctions for the sale of livestock or farm animals shall be prohibited. The minimum required parking ratio shall be 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.

(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

DRAFT

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.

(F)

Commerce Center (CC) District—Limitations of Uses:

(1)

A maximum of twenty (20) percent of the gross floor area of a CC development may be used for one or more of the following uses:

(a)

Personal services, such as barber shops, beauty salons, dry cleaners subject to limitations below, photographic studio, shoe repairs, health clubs.

(b)

Restaurants, nightclubs, lounges with entertainment or consumption of alcoholic beverages on-premises.

(c)

Florists.

(d)

Gift shops.

(e)

Newsstands, bookstores.

(f)

Office supplies, sales and service, including printing, and excluding furniture sales.

(g)

Pharmacy.

(h)

Child care center, day nursery, preschool.

(2)

All exterior loading doors shall remain fully closed except during loading and unloading activities. All exterior loading doors shall be completely screened from public view from all property lines.

(3)

The minimum parcel size for development of a hotel or motel complex shall be five (5) acres.

(4)

DRAFT

Any machinery utilizing motor(s) larger than twenty (20) horsepower shall be operated within a fully enclosed building.

(5)

The minimum parcel size for development of an automobile sales facility shall be five (5) acres. The sales and display of trucks may be permitted as a secondary 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 display/sales area. An automobile service facility, including auto body and paint shop, may be included within the development, provided the facility is wholly internalized within the development and is clearly ancillary to the automobile sales facility. No independent signage, except directional sign(s) within the development itself, shall be permitted for the automobile service facility.

(6)

Fences, walls and screening: see attached.

(a)

Fences and walls may be erected within the Commerce Center District to a maximum height of eight (8) feet.

(b)

The service entrances of buildings shall be screened from direct view through the use of a wall, fence or landscaped berm as recommended at the discretion of the site plan committee.

(7) Other than as set forth in paragraph (5), above, no outdoor storage of goods or materials is permitted and no fabrication of any kind shall be conducted outside of an enclosed building.

(G)

Communication Apparatus:

(1)

In all districts except the U district, radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers are limited to a maximum height of twenty-five (25) feet above grade. Dish antennae are limited to a maximum of four (4) feet in diameter, except that satellite dish antennae measuring in excess of four (4) feet in diameter may be permitted in accordance with the following:

(a)

In residential zoning districts a satellite dish antennae is considered an accessory structure to a permitted use and shall not be located in any required yard other than a rear yard.

(b)

DRAFT

In nonresidential zoning districts no satellite dish antennae may be located in any yard that abuts residentially zoned land or land designated residential on the town's future land use plan map.

(c)

Any person, firm or corporation desiring to erect a satellite dish antenna shall be required to fully screen such antenna from public view (neighbors, public streets, etc.) through the use of berms, walls, fences, shrubs, hedges, trees or any combination thereof; provided, that when walls and/or fences are used they shall not exceed six (6) feet in height on residentially zoned lands and eight (8) feet in height on nonresidentially zoned lands.

(d)

When a fence and/or wall is used to screen satellite dish antennae, twenty-five (25) percent of the length of the outboard view of such fence and/or wall shall contain plantings of shrubs, hedges or trees. Such screening shall consist of plant material which shall achieve a full cover appearance within six (6) months of planting. All screening shall be in conformance with Town Code requirements.

(e)

Antennas in excess of twelve (12) feet in diameter are permitted by special permit issued pursuant to Article X.

(2)

In the CC district radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers are limited to a maximum height equal to the height of the adjacent building. Dish antennae are limited to a maximum of twelve (12) feet in diameter; antennae in excess of twelve (12) feet in diameter are permitted by special permit issued pursuant to Article X.

(3)

In the U district radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers and dish antennae are permitted pursuant to the conceptual master land use plan associated with the zoning.

(H)

Dry Cleaning Establishments: Dry cleaning establishments are subject to the following limitations and requirements:

(1)

Service shall be rendered directly to customers who bring in and pick up the articles to be dry cleaned.

(2)

The entire cleaning and drying process shall be carried on within completely enclosed units and shall be in compliance with all applicable

DRAFT

environmental regulations governing the use and storage of dry cleaning materials.

(I)

Equestrian Facilities: An equestrian facility shall provide for stables, paddocks and trails, and may also provide pasture land and exercise areas. Equestrian facilities may be included within a minimum 35-acre development. The maximum number of stalls shall be limited to one (1) stall per two (2) dwelling units within the residential community. The facility shall be designed as an integral component of the residential community and internalized within the overall development plan as depicted on the site plan. Additionally, the site plan shall include an alternate development proposal, in conformance with district regulations.

The use of the facility shall be available to the residents of the community on a priority basis and may be open to the public for boarding only. Activities within the equestrian facility shall be limited to use by residents and boarders only. The owners/operators of the equestrian facility shall be members of the homeowners' association governing the overall development.

(J)

Family Day Care Homes.

(1)

A family day care home may care for a maximum of five (5) children under age five from more than one (1) unrelated family and a maximum of five (5) elementary school-age siblings of the preschool-age children in care after school hours. The maximum number of five (5) preschool children includes children living in the home and preschool-age children received for day care who are not related to the resident caregiver. This section will require licensure only in those instances where two (2) or more unrelated children are received for day care, in addition to the caregiver's own children, not to exceed five (5) preschool-age children. The total number of children in the home may not exceed ten (10) under this paragraph.

(2)

A family day care home may care for a maximum of five (5) preschool-age children from more than one (1) unrelated family, a maximum of three (3) elementary school-age siblings of the preschool-age children in care after school hours, and a maximum of two (2) elementary school-age children unrelated to the preschool-age children in care after school hours. The maximum number of five (5) preschool-age children includes preschool children in the home and preschool-age children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten (10) under this paragraph.

(3)

A family day care home may care for a maximum number of seven (7) elementary school-age children from more than one (1) unrelated family in

DRAFT

care after school hours. Preschool-age children shall not be in care in the home. The total number of elementary school-age children in the home may not exceed seven (7) under this paragraph.

(4)

If a resident caregiver serves more children than is permitted under paragraphs (1), (2), or (3), above, the resident caregiver is required to be licensed as a child care facility pursuant to 402.302(4), Florida Statutes.

(5)

Maximum ratios apply when school is not in session, which includes summer care.

(6)

A family day care home shall meet the minimum standards for the licensing of family day care homes as specified in the Broward County Family Day Care Home Licensing Ordinance (Broward County Ordinance No. 90-33 or as amended.).

(7)

Applicants requesting home business taxes for family day care homes shall submit a copy of a duly authorized license for such home from the Social Services Division of the Department of Public Services of Broward County, Florida prior to issuance of the business tax.

(K)

Freeway Business Uses:

(1)

The following uses, when permitted in a FB development, shall be internalized within the development and shall not constitute a freestanding, single use structure:

(a)

Bars, lounges.

(b)

Food markets.

(c)

Nursery, day care facility.

(d)

Real estate office.

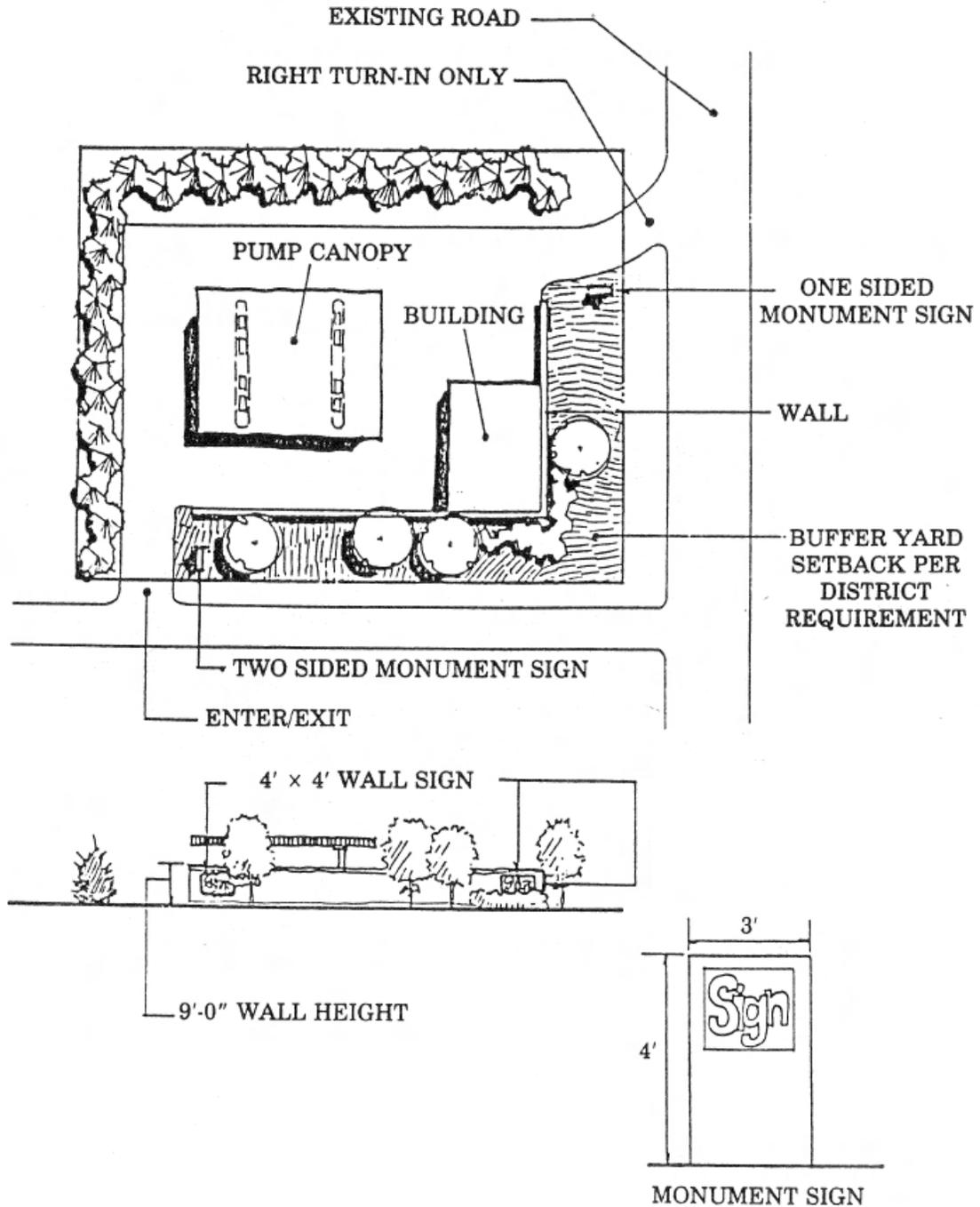
(e)

Fast food restaurant.

(2)

Gasoline pump islands in the FB District shall be fully screened, in accordance with the following sketch:

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(3)

Parking lots in the FB District shall be for on-site use only and shall not be used to satisfy off-site parking requirements except as otherwise provided herein.

(L)

Heavy Commercial Activities. Major vehicle, boat and truck repair, and electrical, plumbing, sheet metal, cabinet and carpenter shops may not be located closer than one hundred (100) feet to property land use planned, zoned, and/or occupied for residential purposes.

DRAFT

(M)

Helicopter Pad: The minimum parcel size for the location of a helicopter pad shall be five (5) acres. Helicopter pads shall be a minimum of one hundred (100) feet from all property lines.

(N)*Home Occupation:* A business, profession, occupation or trade conducted for gain or support, employing no other than the residents of the home located entirely within a residential building which does not change the character or appearance of such building. Home occupations shall be subject to the following conditions:

- (A) Within the RR, AG, A-1 and R-1 zoning districts, Town Council approval is required.
- (B) Cottage food businesses are allowed in accordance with Florida Statute 500.80, except that the home shall not be used for retail.
- (C) No signs identifying the home occupation shall be allow to be posted or displayed on the premises, except as may be required by federal, state and/or local governments.
- (D) No vehicles with any signs indicating that the premises are being used for a business shall be parked within view of the public right-of-way.
- (E) No manufacturing, distribution or repair of any merchandise or goods shall be located on the premise.
- (F) No noise, odors, smoke or nuisance of any type shall arise from the business.
- (G) No traffic shall be generated by the business that disrupts the flow for street use in the neighborhood.
- (H) No sales or service involving patrons visiting the home.
- (I) Not more than 25% of the habitable floor area shall be used.
- (J) The Town shall have the right to inspect at reasonable times.
- (K) Any home occupation may be revocable in accordance with Sec. 13-23(b).

(O)

Hotels and Motels: The minimum parcel size for development of a hotel or motel complex shall be three (3) acres in the B-3 and CR districts. Hotels and motels, and restaurants clearly accessory to and a part of a hotel or motel, are permitted in the CC district on a minimum parcel size of five (5) acres. The minimum floor area for a hotel or motel room shall be four hundred (400) square feet.

(P)

House Trailers, Recreational Vehicles, Mobile Homes, Mobile Home Communities:

(1)

The following regulations shall apply to house trailers:

(a)

A house trailer shall not be considered to be permissible as an accessory building.

(b)

No person shall park, store or occupy a trailer for living purposes, except:

1.

In an approved mobile home park.

2.

DRAFT

On property which is zoned agricultural or rural ranches and is used principally as agricultural. Application shall be made for a special permit. The plot must be otherwise vacant of living quarters and contain a minimum of ten (10) acres. The trailer must provide a minimum front, side and rear yard setback consistent with the requirement for residential uses in the A-1 Agricultural District and must only be used as living quarters or shelter for a watchman. Upon the affirmative vote of a majority of the members of the council, after due notice and public hearing, a special permit may be granted. Such special permit shall be effective for a period of not less than one (1) year nor more than three (3) years as determined by the town council. The length of time of the special permit shall be determined based upon the prior existence of the trailer and whether it had been maintained in accordance with the special permit and applicable building and zoning regulations. The special use permit may be renewed by application to the council no sooner than sixty (60) days prior to the expiration of the permit. A temporary use permit may be approved after taking into consideration the public health, safety and general welfare, subject to appropriate conditions and safeguards. Any special permit issued pursuant to this paragraph may be revoked by the town council upon their determination that any condition upon which the original special permit was based no longer exists.

3.

For security purposes, on lands which have been acquired by Broward County pursuant to its environmentally sensitive lands program, or have otherwise been acquired by Broward County for open space purposes. Any such open space lands that are conveyed out of the name of Broward County shall cease to be included in the exception provided for in this subsection. Placement of a house trailer in accordance with this section is subject to site plan review. This subsection shall not exempt Broward County from compliance with all other provisions of the Town Code.

(c)

Except as hereinbefore provided, no trailer shall be parked or stored on residentially zoned property except in a garage or other accessory building.

(d)

In the event a special permit is granted pursuant to subsection (1)(b)2 above, the front, side and rear yards for such trailers shall be the same as those provided for residential uses in the A-1 Agricultural District.

(2)

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The following regulations shall apply to mobile homes or house trailers in mobile home communities, parks or subdivisions:

(a)

The activities of mobile home community or subdivision offices, maintenance, laundry facilities and storage and garage uses shall be conducted within a completely enclosed building(s). Outdoor dead storage areas shall be completely enclosed by an eight-foot solid fence or wall and shall not be located closer than twenty (20) feet to community or subdivision boundary property lines.

(b)

No animals, reptiles, insects or fowl shall be raised or kept in any mobile home community, except domestic pets, and no hutches, dog runs or aviaries shall be permitted.

(c)

Setbacks and yards:

1.

No accessory building or structure shall be placed in any required yard.

2.

No accessory or service building or structure used in connection with a mobile home community shall be located less than twenty (20) feet from any mobile home lot.

3.

No part of any mobile home or any addition or appurtenance thereto shall be placed within twenty (20) feet of any mobile home community or subdivision boundary.

4.

Setbacks and yards for communities zoned MH shall be those established pursuant to the approved site or subdivision plan.

(d)

The mobility of the vehicle used as a mobile home or house trailer shall be maintained. Each unit of a mobile home originally moved onto the site as a separate house trailer shall be kept currently licensed each year as provided under F.S. § 320.081. Every mobile home shall have its undercarriage screened from view by the use of decorative block or other similar materials.

(3)

The following regulation shall apply to the use of recreational vehicles:

(a)

No person shall occupy a recreational vehicle as temporary living quarters in districts B-1, B-2 and B-3. For the purpose of this paragraph, a recreational vehicle shall mean a vehicle that is primarily designed as

DRAFT

temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(Q)

Industrial Activities: In the M-1, M-2, and M-3 districts the following uses are permitted:

(1)

Educational, scientific, industrial research, office and business uses providing a minimum of five thousand (5,000) square feet of net building area.

(2)

Retail and wholesale sales incidental to a permitted on-site use.

(3)

Within the M-3 district only, existing recycling, scrap metal processing, and automobile wrecking yards and associated ancillary and accessory uses on lands where the property was designated for junkyard use under Hacienda Village or Broward County codes and the existing use is legally permitted under the Town Code are allowed to continue.

(R)

Mini-Warehouse/Self-Storage Facilities. Self-storage facilities shall be constructed and maintained in a separate, freestanding structure and there shall be no direct access to individual storage units from the exterior of the building.

(S)

Noxious Uses Prohibited. All uses which result in noxious odors, fumes, dust, dirt, noise, smoke or vibrations, or which the town council may determine to result in the generation of any hazards presenting a threat to public health, safety or general welfare shall be prohibited in all zoning districts. The use of outdoor loud speakers and other similar outdoor paging devices generating excessive noise shall be prohibited.

(T)

Permitted Outdoor Activities:

(1)

In the B-2, B-3, or SC or UC districts, owners of activities of a permitted use may apply for a business tax for a tent sale, sidewalk sale or other outside activity limited to a three-day period, except for the outside activities occurring within the Western Theme District which may be permitted for a period of fourteen (14) consecutive days only, during any one thirty-day period. None of the activities authorized by this subsection shall be authorized more than six (6) times per year.

(2)

Yards or areas for the storage of equipment and supplies, as permitted in the C1, M-2 and M-3 districts, shall be enclosed as set forth in [section 12-](#)

DRAFT

33; however, the display of new construction equipment, new farm machinery and new trucks is permitted without enclosure.

(3)

Any machinery utilizing motor(s) larger than twenty (20) horsepower shall be operated within a fully enclosed building.

(U)

Residential Agriculture: Residential agriculture in the RR, AG, A-1 and R-1 districts are [is] limited to noncommercial use, and provided no persons are employed on the premises who do not live in the dwelling unit.

(V)

Residential Office: 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.]

(W)

Residential Use of Nonresidentially Zoned Property:

(1)

Residential development in the RO district is limited to a maximum density as permitted by the underlying residential designation on the Future Land Use Plan Map, in no event to exceed five (5) dwelling units per acre.

(2)

The residential use of property zoned CC, B-1, M-1, M-2, M3, C1, or FB shall be limited to the following:

(a)

One (1) accessory residence may be permitted in conjunction with a permitted on-site use.

(b)

The residence shall be for the exclusive use of a caretaker, night watchman or on-call attendant, and shall be clearly ancillary and incidental to the principal use of the property.

(X)

Restaurants:

(1)

In the CC district lunch counters, cafeterias and restaurants for occupants and employees of the CC development are permitted; however, such

DRAFT

facility is restricted to occupants and employees only and is not available to the public.

(2)

Permitted restaurants in the B-1 district shall not include live entertainment or dancing.

(3)

The location of fast food restaurants shall be subject to the following:

(a)

There shall be a minimum of one hundred (100) feet, shortest airline measurement, between the nearest points on any lot to be occupied for fast food restaurant purposes and any lot which is occupied, zoned or land use plan designated residential.

(b)

The applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any applicable above uses.

(Y)

Service Stations and Motor Fuel Pump Islands: The location of service stations and motor fuel pump islands as a primary or an accessory use shall be subject to the following limitations and restrictions:

(1)

Street frontage and area. A lot to be occupied by a service station or pump islands shall not have less than one hundred fifty (150) feet street frontage with an area of not less than forty-three thousand five hundred sixty (43,560) square feet.

(2)

Location of service stations. There shall be a minimum distance of two hundred fifty (250) feet, shortest airline measurement, between the nearest points on any lot to be occupied for fuel pump islands and/or service station purposes and any lot which is occupied by a church, excluding store front houses of worship, playground, playfield, hospital, elementary school, middle school, zoned, or land use plan designated residential. The application shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed facility and any applicable above uses.

(3)

Clearances required. Motor fuel pumps shall be located not less than twenty-five (25) feet from any street line or property line, or other fuel pump islands.

(4)

DRAFT

Driveways. There shall not be more than two (2) driveways for entrance and exit to a service station for each one hundred (100) feet, or major fraction thereof, of lot frontage on any street. There shall be at least fifteen (15) feet of landscaped area between any two (2) driveways, measured along the street line; driveways shall be at least twenty (20) feet from a private property line unless located within a joint access easement, or alley line or intersection of street lines of corner lots and shall not exceed thirty-five (35) feet in width.

(5)

Signs. Signage may be permitted pursuant to regulations applicable to the site and contained in Division 1 of Article VIII of this Chapter.

(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 eight (8) 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) 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 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. 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) unrelated elderly individuals;

DRAFT

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 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 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 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 500 feet from any single family zoning district, as measured from property line to property line.

DRAFT

3. A Category 3 facility shall be at least 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 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.

(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 Section 419.001, Florida Statutes.
- (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.

DRAFT

- (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 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 non-conforming use or non-conforming structure due to subsequently adopted provisions of this subsection (Z).

(AA)

Unified Control of Development: All land included for the purpose of development in the S, B-3, M-3, U, PCF, SC, UC, FB, or BP districts shall be owned or under the control of the petitioner for such zoning designation, whether that petitioner be an individual, partnership, or corporations. A master plan is required, as stated in [section 12-375](#), at the time of rezoning.

(BB)

Utilities Activities:

(1)

Where uses allowed under the U district are located within residential areas, any required building shall be designed to harmonize with the character of the residential area.

(2)

All lift stations and storage or processing tanks shall be landscaped with trees or shrubs which shall naturally screen same from the sight of contiguous residences. Such landscaping is in addition to landscaping required elsewhere in this code and shall be provided adjacent to said structure or on the adjacent property line, or as otherwise approved by the Council. Required landscaping shall be reflected on the approved conceptual master land use plan.

(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,

DRAFT

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.

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.

DRAFT

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 shall be prohibited.

(2)

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.

3.

Routine vehicle maintenance shall be permitted.

4.

DRAFT

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 CI 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 truck and trailer rental as accessory.

(3)

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:

DRAFT

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)

DRAFT

Truck sales, new and used.

(4)

Mobile home, manufactured housing, recreational vehicle sales, 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.

(7)

Motorcycle shop.

(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.

DRAFT

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 and BP. No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes.

(c)

DRAFT

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 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)

DRAFT

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.

(DD)

~~*Churches, Houses of Worship:* No freestanding house of worship shall be located closer than twenty five hundred (2500) feet from any other freestanding house of worship, measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line. The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the property lines of the proposed house of worship and any other house of worship.~~

~~(1)~~

~~*Store Front Houses of Worship.* No individual store front house of worship shall occupy more than eighty five hundred (8,500) square feet of any "shopping center" and no more than twenty five (25) percent of the area of any "shopping center", including outparcels, shall be occupied by "store front houses of worship".~~

~~{(2)}~~

DRAFT

~~Reserved.~~

(EE)

Yacht Manufacturing and Repair: Shall include the construction, customizing, outfitting, repair and storage of large boats not to exceed one hundred eighty (180) feet in length. In addition, accessory uses that are directly associated with the manufacturing of yachts are permitted. Examples include: offices, engine sales, yacht brokerage, cleaning and detailing, etc.

(1)

Height. The maximum height of all yacht manufacturing and repair structures shall not exceed fifty-five (55) feet. All other structures for related uses shall not exceed forty (40) feet in height.

(2)

Open Space and Natural Resource Protection.

(a)

Based on the use always being adjacent to the water, open water may be used to satisfy the open space requirements.

(b)

Article IV. District Performance Standards and Capacity Analysis requirements do not apply to this use, based on the jurisdictional requirements of the Department of Planning and Environmental Protection (DPEP) and the Army Corps of Engineers regulating development along the North New River Canal. All manufacturing and repair work shall follow the "Best Management Practices for Marine Facilities" published by Broward County.

(3)

Hours of Operation. Yacht manufacturing and repair shall be conducted after 6:00 a.m. and before 8:00 p.m., Monday through Sunday.

(FF)

Adult Arcade Amusement Center:

Intent: It is the intent of this section to regulate adult arcade amusement centers that mimic the look and feel of gambling venues but are operated in accordance with Florida State Statute Chapter 849 (Gambling). Regulation of these venues ensure that they are permitted in the appropriate compatible designation within the town and that appropriate police powers are establish to ensure reduction in any secondary effects.

(1)

Zoning district limitations and uses. An adult arcade amusement center is permitted in the B-3 zoning district only with a special permit issued in accordance with Article X.

(2)

Additional Development Standards for Adult Arcade Amusement Centers.

(a)

DRAFT

Location: No special permit shall be granted for an adult arcade amusement center that will be conducted within twenty-five hundred (2,500) feet of another establishment, a public or private school, day-care, house of worship, a public library or a public park. The required twenty-five hundred (2,500) foot minimum separation shall be measured from the nearest point of one (1) establishment to the nearest point of the other establishment in a straight line. This subsection hereof does not apply to a duly licensed adult arcade amusement center in existence before a public or private school, house of worship, a public library or a public park moved within twenty-five hundred (2,500) feet of such adult arcade amusement center. Such use shall not be located within the same plaza or center as any other adult arcade amusement center regardless of separation distances.

(b)

Hours of Operations: Such amusement centers shall be prohibited from being open past 11:00 p.m. and prior to 9:00 a.m.

(c)

Signage: The use of any imagery referencing gambling, such as, but not limited to slot machines, poker wheels, etc, shall not be permitted when visible from the exterior of the tenant space, including but not limited to wall signage and window signage. The use of strip lighting is expressly prohibited.

(d)

Parking: Parking requirements for adult arcade amusement center shall be the same as for "game room, arcade" as referenced in [section 12-208](#), entitled "requirements for off-street parking."

(3)

Special Permit Criteria.

(a)

The special permit required by this section shall not be transferable to any other person, and the business shall be conducted only at the location for which the permit is issued.

(b)

The person operating or conducting the business shall inform the planning and zoning division as to changes in the information required in this section.

(c)

A permit shall not be issued if a person with an interest in the business, or an employee of the business, has been convicted of a violation of a federal or state statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude within five (5) years preceding the application.

DRAFT

- (d) The applicant shall be twenty-one (21) years of age or more.

(4)

Business Tax and Registration.

(a)

As a prerequisite to the issuance of a business tax, an inspection shall be made of the premises by the building official, the fire marshal, and the chief of police, or their designee, each of whom must approve the issuance of such business tax.

(b)

Registration for each coin-operated amusement device is required at the time of application for a business tax. For each machine registered, a numbered metal tag or plastic decal shall be issued to the applicant for each machine so covered. Application for machine registration stickers must disclose the location where the machine is to be operated, manufacturer of the machine, the manufacturer's serial number, and the software version, if any. The registration stickers are not transferable person to person, place to place, or machine to machine. No machine should be eligible for a registration sticker if its operation involves any materials elements of chance, unless:

- The applicant submits with the application, satisfactory proof that the applicant has registered with the Department of Justice pursuant to 15 United States Code 1171, and
- The applicant submits with the application, the records required under federal law to be maintained by those who register under 15 United States Code 1171, and certifies the machine bears the permanent marking required by the federal law.

(c)

The applicant shall keep the registered machines, the records of acquisition, location and disposition required by the federal law, records of prize awards open to police inspection at any time.

(5)

Applications. No person shall operate or conduct an adult arcade amusement center for use by the general public in the town for money or other reward without first obtaining a business tax. A person wishing such a license shall make an application therefore in writing, which application shall set forth the following:

(a)

The name under which the business is to be conducted;

(b)

The location at which the business is to be carried on;

DRAFT

- (c) The name, address, and principal occupation of every person with an interest in the business;
 - (d) The number of coin-operated machines to be exhibited;
 - (e) The serial numbers, manufacturer, and name of each machine;
 - (f) Whether the applicant has been ever engaged in operating an amusement arcade and when, where and how long in each place within five (5) years preceding the date of application.
- (6) *Operations.*
- (a) An adult who is twenty-one (21) years of age or older shall be on the adult arcade amusement center premises and shall supervise the operation thereof at all times during all hours of operation.
 - (b) No alcoholic beverages including beer and wine shall be consumed on the premises of an adult arcade amusement center.
 - (c) No person under the age of eighteen (18) years is permitted on premises of an adult arcade amusement center before 4:00 p.m. on any day the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.
 - (d) The violation of any of the provision of this section shall be sufficient reason for the town council to revoke the special permit issued for the business. However, a violation of any of the provisions of this section is not a criminal violation.
- (7) *Peace Disturbances: Gambling: Intoxicated Persons, Minors.* No license or owner of any adult arcade amusement center, or any servant, agent or employee of such a licensee or owner, shall permit upon the premises housing a mechanical amusement device arcade any of the following:
- (a) Disorderly persons;
 - (b) Gambling, or the use, possession or presence of gambling paraphernalia;
 - (c) Intoxicated persons to loiter on the premises;

DRAFT

(d)

Loud noise or music to emerge from the licensed premises, which noise or music is disturbing to the surrounding area; and

(e)

Any licensee or owner, or any servant, agent or employee thereof, shall be presumptively deemed to have permitted the conduct enumerated in subsection (5) hereof if it occurs on the premises housing an adult arcade amusement center.

(GG)

Tattoo Parlors: Where permitted the following uses which require a special permit issued in accordance with Article X, shall be located within and shall be the sole occupant of a free standing building and not part of a larger commercial structure: Tattoo parlor, and establishments where the following items are sold: Water pipes, chambered pipes, metal, acrylic, glass, stone, plastic or ceramic pipes, roach clips, carburetion devices, and similar devices used for drug ingestion or smoking marijuana or tobacco.

(HH)

Recycling, Scrap Metal Processing and Automobile Wrecking Yards: Shall include all activities generally associated with Recycling, Scrap Metal Processing and Automobile Wrecking Yards, Salvage Yard, Recycling Yard, Auto Wrecking Yard, and Oil Recycling and Reclamation, including open storage of equipment, inventory and materials, but shall not include the permanent on site storage of said inventory or materials, and shall not include the processing of concrete for the purpose of reducing to a powder-like form.

(1)

All processes, and/or operations related to vehicle recycling, scraping of metal from vehicles, vehicle dismantling and crushing, and fluid recycling and reclamation shall be fully enclosed in a building that complies [section 12-34](#)(HH).

(2)

Building(s) used for dismantling, crushing, shredding, fluid reclamation and recycling, and other material recycling operations shall have visual screening beginning no more than twenty (20) feet above the finished floor of the building and continuing to the roof. When buildings are constructed within twenty (20) feet of a perimeter wall, the screening material on the building side closest to the wall shall begin at the height of the wall and continue to the roof. The screening material may be solid or perforated, as long as the activities within the building are not visible as viewed from outside the perimeter wall of the facility. The building(s) shall be designed incorporating the following: Scale and Massing: If pre-cast concrete panels are used, they shall have patterns and reveals. The South Florida climate shall shape and orientate building(s), nature of roofs and overhangs, and the location and size of windows. Building(s) shall not

DRAFT

have a monolithic appearance. Building facades shall have vertical and horizontal elements.

(3)

The design shall use varied roof types, window designs, ornamentation, and colors.

(4)

Outside storage shall be limited to non-stacked, non-totaled vehicles, unless an additional ten (10) foot wide landscape buffer interior to the perimeter wall with fourteen (14)—sixteen (16) foot high canopy trees planted for each forty (40) linear feet of property line is provided. Canopy trees shall be staggered from other required perimeter trees. No dismantling of cars through the use of machinery other than hand dismantling shall occur in outside storage. Outside storage of vehicles shall be designed in an organized manner, with the cars aligned in rows.

(5)

Perimeter Walls: A minimum eight (8) foot maximum 10 foot high wall shall be constructed around the entire perimeter of the site except at points of access to and from the property. When located on a public road right of way, the perimeter wall shall be setback a minimum of ten (10) feet from property lines and landscaped on the outside of the wall pursuant to [Section 12-107 \(D\)](#). The wall shall be solid concrete, masonry or pre-cast wall. When adjacent to a public street, walls shall include additional landscaping or decorative architectural features such as:

(a)

Forty (40) to eighty (80) foot long wall segments staggered into the property a minimum of five (5) feet;

(b)

Vines covering the walls;

(c)

Trees adjacent to the inside of the wall;

(d)

Alternating wall segments constructed of iron or aluminum fencing of equal height to the adjoining wall, with additional landscaping designed to obtain an opaque screen to the on-site activities; and,

(e)

Enclosed buildings constructed with no setback inside the perimeter wall shall incorporate the perimeter wall as a building wall and shall provide windows through the perimeter wall. The location of the perimeter wall shall not be placed in the traffic sight triangles per the Town of Davie Code of Ordinances.

(6)

DRAFT

Site Landscaping: Landscaping shall conform to section 12-107, Landscaping standards for lots and sites as amended herein.

(7)

Site Environmental Monitoring: The site must be provided with environmental monitoring facilities as required by Broward County, the Florida Department of Environmental Protection, and the U.S. EPA.

(8)

Facilities must obtain and maintain DEP Green Yards Certification.

(9)

All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

(10)

Threshold for Compliance: No facilities shall continue as non-conforming for more than fifteen (15) years after the effective date of this ordinance, except when granted an approved special use permit by the town.

(11)

Noise: Shall be in conformance with the noise standards in Chapter 15 of the Town Code.

(II)

Animal Hospital:

(1)

Animal hospital and/or clinic facility may be permitted, subject to the following limitations:

(a)

There shall be adequate soundproofing in any area where animals are contained or treated.

(b)

There shall be no overnight boarding, except in conjunction with medical needs associated with animal hospitals or clinic activities. Exterior runs, cages or exercise areas on a minimum parcel size of three (3) acres may be permitted subject to the following limitations:

1.

Setbacks for exterior runs, cages, or exercise areas for all animals shall be at least fifty (50) feet from all property lines.

2.

That the construction of exterior runs, cages, or exercise areas for small animals such as dogs and cats, incorporate concrete block walls to minimize noise and other disturbances to adjoining properties. Exterior exercise areas

DRAFT

for large animals such as horses and cattle shall be enclosed by a fence a minimum of five (5) feet in height.

3.

That the property provides a landscape buffer pursuant to [section 12-107\(D\)\(3\)](#) of this chapter.

(c)

Kennel facilities as an ancillary use of the animal hospital or clinic facility may be permitted subject to the limitations as specified in subsection (JJ) below.

(JJ) *Animal Kennel:*

(1) Animal kennel facilities [which received site plan approval prior to January 1, 2012](#) ~~may~~ [shall](#) be [considered a permitted use](#), subject to the following limitations:

(a) Facilities shall preclude livestock animals.

(b) There shall be adequate soundproofing in any area where animals are contained or treated. [After January 1, 2012, no development permit for construction, reconstruction or enlargement of a kennel building shall be approved without a statement from an acoustical engineer that the design is sufficient prevent the sound of dog barking from crossing any property line of an adjacent residential property.](#)

(c) There shall be a minimum parcel size of three (3) acres.

(d) All activities shall be conducted indoors, except that exterior runs, cages or exercise areas may be permitted pursuant to a special permit issued in accordance with Article X; and provided that a site plan submitted with the special permit request reflects the following:

1. Setbacks for exterior runs, cages or exercise areas of at least fifty (50) feet from all property lines.

2. That the construction of exterior runs, cages or exercise areas incorporate concrete block walls to minimize noise and other disturbance to adjoining properties.

3. That the property provides a landscape buffer, pursuant to [section 12-107\(D\)\(3\)](#) of this chapter.

[\(e\) Any new construction or enlargement of kennel spaces, outdoor runs or play areas shall require a special permit pursuant to paragraph \(2\), below.](#)

[\(2\) Other than as set forth in paragraph \(1\), above, new animal kennel facilities shall be permitted only pursuant to a special permit pursuant to Article X.](#)

[(KK)]

Farms:

(1)

DRAFT

Administrative determinations.

(a)

Any person who has not been granted an agricultural classification pursuant to F.S. § 193.461, and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make application for an administrative determination. Requests for such a determination may be made to either the building official or the code compliance official.

(b)

Whichever official receives the written request shall forward a copy of the application to the other official. Both officials shall jointly review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2). Within forty-five (45) calendar days after the receipt of a complete and sufficient application, the officials shall jointly either grant the application or respond to the applicant in writing the reason or reasons for denial. If the code compliance official and the building official cannot agree as to whether the application should be granted, the decision will be deemed to be a denial. The decision shall be mailed by U.S. Mail to the address indicated on the application, return receipt requested.

(c)

If the applicant disagrees with the determination of the officials, the decision may be appealed by notifying either official in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is "rendered". If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this subparagraph, the term "rendered" means ten (10) calendar days after the date the decision was mailed. The time frame to seek an appeal shall be stayed until the final determination by the Broward County Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property pursuant to F.S. § 193.461.

(d)

Upon receipt of a timely notice of appeal, the appeal shall be assigned to a hearing officer. The procedures for conducting hearings shall be approved by a Resolution of the town council and incorporated in the Town Code. The hearing shall be set no later

DRAFT

than sixty (60) days from the date of the notice of appeal unless an extension of time is requested or agreed to by the applicant.

(e)

The town attorney shall represent the town in the administrative hearing. The hearing officer shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2) and the definitions of "farm" and "agricultural use" as set forth within section 12-503 of the Land Development Code and as provided in applicable statutes, or established case law.

(f)

Nothing in this section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any time prior to the start of the hearing before the hearing officer.

(g)

The hearing officer shall, within forty-five (45) days of the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.

(h)

The decision of the hearing officer is final. Appeal of the hearing officer's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the hearing officer's findings.

(2)

Criteria for farm claims. The criteria set forth below shall be considered in both the administrative determination and in the hearing by the hearing officer. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show that the applicant meets a sufficient number of the criteria under the particular circumstances for the officials or the hearing officer to determine that the applicant's property is a farm.

(a)

The general intent of the "Right to Farm Act" is to preserve productive land for agricultural purposes and to protect established farmers from the demands of sprawling urban development.

(b)

The applicant can demonstrate that there are clearly identifiable farm products as defined in section 12-503 resulting from the farm operation.

(c)

DRAFT

The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other nonagricultural uses which are also present on the land.

(d)

Whether the parcel in question is comparable to similar farm operations of the same type in the community which are classified as agricultural pursuant to section F.S. § 193.461, or which have been determined to be a farm pursuant to the Town of Davie Land Development Code.

(e)

Whether a Schedule "F" or other Federal Income Tax return has been filed in connection with any farm income and expenditures.

(f)

The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.

(g)

The amount of time, effort and capitalization invested in the agricultural use of the land.

(h)

Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.

(3)

Right to farm. The Town's Code shall conform to F.S. § 823.14, the Florida Right to Farm Act, which prohibits a local government from the adoption of any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to F.S. § 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the department of environmental protection, the department of agricultural and consumer services, or water management districts and adopted under chapter 120 as part of a statewide or regional program.

(LL) Places of Public Assembly.

(a) Definitions: Place of public assembly shall mean any area, whether in a publicly or privately owned facility, where individuals assemble for primarily non-commercial purposes, including but not limited to fraternal lodges, community

DRAFT

centers, clubhouses, and places of worship or other facilities that are used for prayer and assembly by persons of similar beliefs.

(1) Freestanding place of public assembly shall mean a structure used for public assembly which does not share common walls or a roof with another building or establishment.

(2) Attached place of public assembly shall mean a structure used for public assembly which shares common walls or a roof with another building.

(b) Minimum lot size for freestanding places of public assembly: 2 acres

(c) Maximum lot size for freestanding places of public assembly. 10 acres

(d) Minimum distance requirement: No freestanding place of public assembly shall be located closer than twenty-five hundred (2,500) feet from any other freestanding place of public assembly, measured from the nearest point on the nearest property line of one place of public assembly to the nearest point of the nearest property line of another place of public assembly in a straight line.

(e) Maximum area for attached places of public assembly. Attached places of public assembly shall be limited to 8,500 square feet of gross floor area and shall make up no more than 25 percent of any mixed-use building.

(f) Accessory uses permitted for a place of public assembly. All accessory uses shall be subject to the locational requirements for places of public assembly as set forth in the paragraph (LL). The following accessory uses shall be permitted to a place of public assembly if the use is incidental to and serves to support the functions of the public assembly use:

(1) Meeting rooms and educational classrooms.

(2) Day-care centers.

(3) Offices.

(4) Indoor or outdoor recreational facilities incidental to the public assembly use, not used for commercial purposes, of a size appropriate to the scale of the public assembly use.

(5) Elementary schools, middle schools, or senior high schools that are not larger than the public assembly use.

(MM) Schools K-12.

1. Applicability. 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

DRAFT

or wherever physical changes are proposed to the driveway connections or internal access drives. 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 AM and PM 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 and a maximum of six 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.* Site access shall consist of at least one primary access road and a secondary means of access to be used in the event that the primary

DRAFT

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.
- (f) *Bus driveways.* The site plan shall identify the internal driveways necessary to accommodate busses. Bus driveways shall be a minimum of 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:* 1 footcandle.
 - b. *Covered and connector walks:* 1 footcandle.
 - c. *Parking area entrances/exits:* 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:* 5 footcandles.
 - b. *Building perimeters:* 1 footcandle.

DRAFT

(h) Setbacks. Building setbacks from the property line shall, at a minimum, be 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 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. Buildings, recreational areas, playgrounds and other areas used by students shall not be located within a high-voltage power transmission line right-of-way.

Article IV District Performance Standards And Capacity Analysis.

Article V. Development and Use 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.

CONVENTIONAL NONRESIDENTIAL TABLE 12-83. DEVELOPMENT STANDARDS

	Min.	Min.	Min.				Max.	Max.	Min.	Min.
	Lot	Lot	Lot	Min. Setbacks			Height	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	<u>17,500</u>	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%**

DRAFT

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-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	40%	—	30%
NCF	43,560 3 ac.	150	—	40	25	25	35 ft.	40%	—	40%
CF	43,560 5 ac.	100	—	50	25	25	35 ft.	40%	—	30%
PCF	3 ac.	200	—	40	25	25	25 ft.	40%	—	40%
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

DRAFT

(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.

~~*Maximum parcel size: five (5) gross acres~~

~~**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.~~

Division 4. Exceptions To Development Requirements

Sec. 12-88. Exceptions to minimum yard requirements.

~~The following structures shall be allowed to project into or be constructed on any minimum required yard as permitted in the South Florida Building Code and as follows: awnings and canopies not to exceed three (3) feet; bay windows not to exceed two (2) feet; driveways and their curbs; fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this chapter.~~

The following structures shall be allowed to project into or be constructed on any minimum required yard:

1. Awnings and canopies not to exceed three (3) feet.
2. Bay windows not to exceed two (2) feet.
3. Driveways and their curbs;
4. Internal walkways a maximum of four (4) feet in width.

DRAFT

5. Fences and walls, as provided elsewhere in this chapter.

Article IX. Rural Lifestyle Regulations.

Sec. 12-284. Fences, mailboxes, bus stops and entranceway features.

(A)

All fences, mailboxes, bus stops and entranceway features developed within the scenic corridor setback shall be made of natural materials or substances derived from natural materials, including, but not limited to, wood, stucco, stone, brick and clay tile. ~~Painted colors shall be limited to earth tones, natural, and white.~~

~~(B)~~

~~No entranceway feature shall be internally lighted. Light fixtures for external illumination shall be screened with cut-off shields. External illumination shall not exceed one and one-half (1.5) footcandles.~~

(CB)

No mailbox or entranceway feature within the scenic corridor setback shall be greater than four and one-half (4.5) feet in height.

(DC)

Fences shall meet the design requirements of the Rural Lifestyle Regulations, as stated in section 12-286. ~~Fence colors shall be limited to earth tones, natural, or white and shall be a maximum of four (4) feet in height.~~

(E)

~~Fences located within a scenic corridor are intended to function as spatial locators and not be substantial in appearance. Such fences located in a scenic corridor buffer shall not exceed more than twenty (20) percent opacity.~~

Sec. 12-286. Intent, applicability, and boundaries.

Intent. It is the intent of these zoning regulations to ensure that development is compatible with the surrounding land uses and maintains and enhances the rural character of the applicable zoning district. To this end, the one-unit per acre districts established by the town shall encourage residential development on one (1) acre parcels, through the use of incentives. Residential development occurring in the Agriculture, A-1 and Estate, R-1 zoning district shall be designed to ensure that the transition from vacant land and/or farmland to development is reviewed for the ultimate effect such development may have upon surrounding agricultural areas.

Applicability and Boundaries. The Rural Lifestyle Regulations shall apply to those portions of the town in the Agricultural, AG, Agricultural, A-1, and the Estate, R-1 zoning categories. In order to accomplish the goals set forth above, the town has determined that a separate set of regulations, over and above those that already exist, are necessary for these areas. With respect to the areas described above, these regulations shall prevail over any other regulations set forth in this Code to

DRAFT

the extent that any such regulations could be construed to permit development within those boundaries which is not permitted by these regulations.

(A)

Permitted and Conditional Uses. The following list identifies the permitted uses and conditional uses within the areas governed by the Rural Lifestyle Regulations.

(1)

Permitted Uses:

Dwelling, single family detached

Recreation facilities

Agricultural uses

(2)

Accessory Uses:

Equestrian facilities (per section 12-34(I))

Guest cottages (per section 12-33(A))

Home occupation (per section 12-34(N))

(3)

Conditional Uses: The following uses shall be permitted as conditional uses provided the requirements set forth for such conditional uses as noted are satisfied in addition to the special requirements of these Rural Lifestyle Regulations.

Special residential facility and group home (per section 12-34(Z))

Family day care (per section 12-34(J))

Animals (per section 12-34(B))

(4)

Special Prohibitions. The following structures or improvements are specifically prohibited unless otherwise specifically authorized by this section:

Walls, unless provided for as specified in section 12-286(B) and section 12-288.

Guard gates, guardhouses, gate arms and similar devices designed to restrict access, except as permitted pursuant to section 12-288(G).

Berms unless provided for as specified in section 12-286(B) and section 12-288.

Shadow box fence unless provided for as specified in section 12-286(B) and section 12-288.

(B)

Supplemental Restrictions.

(1)

Fences. Fences located within the front setback or adjacent to a scenic corridor shall be a maximum of four (4) feet in height. In all other locations,

DRAFT

fences shall be a maximum of six (6) feet in height. Fences are allowed as of right designed as one of the following styles:

- (a) Split rail fence
- (b) ~~Green or black vinyl~~Vinyl clad chain link fence
- (c) ~~Decorative white picket~~Picket fences
- (d) Shadow box and board-on-board fences shall may be permitted only within the building envelope.
- (e) Other fence material ~~as approved at time of site plan approval meeting the intent of the Rural Lifestyle Initiative~~ approved as part of the site plan for the development prior 2002 (date of adoption of the Rural Lifestyle Regulations).

~~All fence types shall maintain a maximum of fifty (50) percent opacity. On a case by case basis where a property owner believes there is a hardship relative to adhering to one of the fence styles indicated in (B)(1)(a) through (e) above, a variance may be requested in accordance with section 12-309. The applicant (property owner) shall demonstrate evidence that the requested variance meets all findings of fact contained in section 12-309(B)(1)(a) — (c). Further, the applicant shall provide evidence detailing the reasons that one of the aforementioned fence styles above can not be utilized.~~

(2)

Berms. Berms shall be designed to be both undulation and meandering and not to exceed three (3) feet in height with a maximum 3:1 slope.

(3)

Walls. Walls shall be permitted only in compliance with the following design requirements.

(a)

Walls shall not exceed maximum three (3) feet in height.

(b)

Any wall shall provide a break every ten (10) feet and a landscaped space between any two wall sections, a minimum of two (2) times the provided wall section and designed with a hedge or other type of landscape material between the breaks in the wall.

(c)

No wall shall be placed atop a berm.

(d)

This section shall supersede the wall requirements of section 12-330).

(e)

DRAFT

Columns are allowed to be used in conjunction with fence or wall material with a maximum column width of three (3) feet and no closer than ten (10) feet between any two columns. Such columns shall not exceed four (4) feet in height.

(4) Decorative elements. Decorative elements shall not exceed twenty-five (25) percent of a fence, wall or column height.

Sec. 12-290. Architectural design standards.

The principles set out below are intended to establish a meaningful design guide for development and not to limit innovative architecture. All development shall be designed in accordance with the concepts described in this section. The design concepts shall include:

(A)

The design of architecturally varied structures within a planned development through the use of building massing, varied roof-scapes, varied window design, ornamentation and color.

(B)

The recognition of the South Florida climate which should influence building shape and orientation, nature of roofs and overhangs and the location and size of windows, when utilizing the incentive program for Florida Vernacular Architecture.

~~(C)~~

~~Minimum roof standards. Pitched roofs shall have a minimum pitch of 4:12. Deviation from the minimum may be approved for gambrel or similar roof types. Flat roofs may be permitted if the flat roof area does not comprise over twenty-five (25) percent of the total roof area. Such flat roofs may be permitted over porches, Florida rooms, and utility rooms located toward the rear of a dwelling unit.~~

~~(D)~~

Elevations for all sides of a building shall be provided at time of site plan approval and shall indicate architectural details incorporated on all sides of a structure.

Appendix A, Picture 1

Appendix A, Picture 2

Appendix A, Picture 3

Appendix A, Picture 4

Appendix A, Picture 5

Appendix A, Picture 6

DRAFT

Appendix A, Picture 7

Appendix A, Picture 8

(E)D

Minimum Garage Standards. A minimum, fifty (50) percent of all homes within a site plan approved subsequent to adoption of this provision shall provide garages located in the rear of the house or oriented to the side of a house. When garages and carports must be front-loaded, they shall be set back at least fifteen (15) feet measured from facade of the principal building.

Figure 8: Recommended garage locations

Figure 8: Typical garage behind house

(FE)

Developments utilizing the Traditional Neighborhood Design incentive, as specified in [section 12-288](#), shall be required to incorporate raised front porches, decks or balconies where feasible, to provide better integration between the street and the houses and to clearly establish an identity for the neighborhood.

(GF)

Building projections including porches and verandas (minimum ten (10) feet in width), bay or garden windows shall be allowed within the required front yard setback.

(HG)

All new residential homes shall orient toward the street. The front doors shall face the street.

(H)

All facades shall contain a minimum of fifteen (15) percent transparent or translucent materials.

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:

(22) 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 space for each (3) beds plus 1 per employee per shift.

Article X. Planning and Development

Sec. 12-302. Application.

(A)

DRAFT

Application for local or county land use plan amendments shall ~~be in the form of a petition filed with the town~~ 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.

~~(B)~~

~~All applications for land use plan amendments shall include the following:~~

~~(1)~~

~~Owner's or owner's representative's name, address, telephone number and notarized signature;~~

~~(2)~~

~~Existing land use plan designation;~~

~~(3)~~

~~Proposed land use plan designation;~~

~~(4)~~

~~Reason for requested land use land redesignation;~~

~~(5)~~

~~Gross and net acreage of each proposed redesignation;~~

~~(6)~~

~~Legal description and survey of proposed amendment area;~~

~~(7)~~

~~A disclosure by the applicant and/or representative of any properties owned by same within the proposed amendment area and, if so, a description of its size and boundaries.~~

~~(8)~~

~~A completed citizen participation plan.~~

~~(9)~~

~~A completed citizen participation plan report.~~

~~(CB)~~

For proposed land use plan amendments, a comparative land use impact statement shall be prepared, using existing professionally accepted planning and engineering methods and standards. ~~Such statement, with eighteen (18) copies of same, shall be submitted with the application for land use amendment and~~ At a minimum, such impact statement shall address impacts upon the availability of the following essential services:

(1)

Potable water;

(2)

Wastewater treatment and disposal;

(3)

Solid waste disposal;

(4)

DRAFT

- Drainage;
- (5) Regional transportation;
- (6) Local streets and roads (safety and adequacy of access between the site and the regional transportation network, including capacity availability of trafficways);
- (7) Fire protection;
- (8) Police protection;
- (9) School sites and pupil generation;
- (10) Recreation and open space.

~~(D)~~

~~All applications for land use plan amendments shall be accompanied by a nonrefundable fee as provided by resolution of the town council.~~

~~(E)~~

~~Applications for local land use plan amendments which also involve amendment to the county land use plan shall be accepted no less than ninety (90) days prior to the applicable Broward County Planning Council submittal deadline.~~

Sec. 12-302.1. Deferral of public hearings for applications.

Public hearings for planning and development applications hereunder may be deferred or tabled twice by the applicant(s) and automatically rescheduled. Upon request for a third deferral or tabling, including any deferrals granted by the planning and zoning, the town council may direct staff to withdraw the application on behalf of the applicant. Further consideration of the application after withdrawal by staff will require payment of a new application fee and resubmission of any materials that the staff deems necessary for reprocessing the application, based on the need for updating or other revision.

Sec. 12-303. Advertising and public notice.

(A)

A sign shall be posted ~~by the town~~ by the applicant on each perimeter street frontage of the land which is the subject of the proposed land use plan amendment not less than fourteen (14) days prior to the hearing of the planning and zoning board; provided, however, this requirement shall not apply to plan amendments exceeding five hundred (500) acres initiated by the town. ~~Such sign shall state~~ 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)

DRAFT

Amendment number and phone number for information about the proposed land use plan amendment;

(3)

Existing and proposed land use plan designations.

(B)

~~In addition to the requirements prescribed by Chapter 166 of the Florida Statutes, as amended, requiring publication of pending zoning applications, the town clerk of the Town of Davie is directed to notify by U.S. mail, postage prepaid, all persons owning property within five hundred (500) feet of the exterior boundary of property for which a change in land use designation is pending. The mailing of such notices shall constitute service. All notices shall be sent to the owners as set forth on the latest Broward County tax rolls. For town-initiated plan amendments involving a parcel or parcels of land of more than ten (10) contiguous acres in area where the mailing would exceed two thousand (2,000) notices, the mailing services requirement herein shall be deemed met if the clerk retains a bulk mailing service to perform the mailing, and delivers instructions to the service to send the notices. In the event the notification area extends beyond the town limits of the Town of Davie, notification of each property owner is not required; however, notification of the appropriate governing body shall be made. 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 five hundred (500) feet of the exterior boundary of the subject parcel of land as indicated on the latest Broward County Tax rolls. 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.~~

(C)

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.

Sec. 12-304. Processing.

(A)

The planning and zoning board shall hold its public hearing and make recommendation upon the application to the town council based upon its consideration of, where applicable, whether or not:

(1)

The proposed change is contrary to the adopted comprehensive plan as amended, or any element or portion thereof;

(2)

DRAFT

The proposed change would create an isolated district unrelated and incompatible with adjacent and nearby districts;

(3)

Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

(4)

The proposed change will adversely affect living conditions in the neighborhood or the Town of Davie;

(5)

The proposed change will create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;

(6)

The proposed change will adversely affect other property values;

(7)

The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;

(8)

The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(9)

There are substantial reasons the property cannot be used in accord with existing regulations;

(10)

The proposed land use designation is the most appropriate designation to enhance the town's tax base, given the site location relative to the pattern of land use designations established on the Future Land Use Plan Map, appropriate land use planning practice, and comprehensive plan policies directing the location and distribution of land uses.

(B)

An applicant may withdraw an application at any time upon written notification.

(C)

The report and recommendation of the planning and zoning board required by this chapter shall be advisory only and shall not be binding upon the council.

(D)

The council shall establish a public hearing to consider the plan amendment review criteria in subsection (A), above, public testimony, and the recommendation of the planning and zoning board, and:

(1)

For local land use amendments, council shall approve, deny or approve with modifications the recommendations of the planning and zoning board. No amendment to the Town of Davie Land Use Plan shall become effective until and unless the Broward County Planning Council recertifies

DRAFT

the land use plan as being in substantial conformity with the Broward County Land Use Plan.

(2)

For amendments to the county land use plan, council shall adopt a resolution in support of or in opposition to the proposed amendment. After county commission action on an amendment to the county land use plan, the town may, at a regularly scheduled council meeting, adopt a local land use amendment which complies with the county amendment, the Broward County Land Use Plan, as amended, and the Town of Davie Land Use Plan as recertified by the Broward County Planning Council.

(E)

All actions of the town council for approval of or support for a land use amendment pursuant to subparagraph (d) above shall require an affirmative vote of no less than four (4) members of the town council.

Sec. 12-305. General purpose.

The purpose of this division is to guide the processing and granting of rezonings, text amendments, special permits, variances and vacations or abandonments of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

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 development services department~~ 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

DRAFT

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: ~~All applications shall include the following:~~

~~(1)~~

~~Owner's name, address, telephone number and notarized signature;~~

~~(2)~~

~~Notarized signature of owner(s);~~

~~(3)~~

~~Petitioner's name, address, telephone number and notarized signature;~~

~~(4)~~

~~Petitioner's relationship to property;~~

~~(5)~~

~~Existing zoning;~~

~~(6)~~

~~For rezonings, the requested zoning;~~

~~(7)~~

~~Rezoning, special permit, variance or vacation of rights-of-way requested, and reason for request;~~

~~(8)~~

~~Legal description;~~

~~(9)~~

~~Copy of a certified and sealed survey dated within two (2) years, to include statement of amount of acreage or square footage involved;~~

~~(10)~~

~~Owner's authorization form;~~

~~(11)~~

~~For vacations of rights-of-way, the applicant shall provide evidence of notification to all utilities (public and private) that may have an interest in the area proposed to be vacated;~~

~~(12)~~

~~For special permits and rezoning applications, a completed citizen participation plan;~~

~~(13)~~

~~For special permits and rezoning applications, a completed citizen participation report.~~

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)~~

DRAFT

~~Fees: All applications shall be accompanied by a nonrefundable fee as set forth by the council by means of a resolution enacted by a majority of the council, at a public hearing, with proper legal advertising.~~

(ED)

~~On-Site Notification: Subsequent to the submittal of the application, a sign shall be posted by the town.~~ 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. ~~Such sign shall state the following:~~ 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.

(FE)

Supplementary Notification Required for Rezonings, Variances and Special Permits:

(1)

~~In addition to the requirements prescribed by F.S. Chapter 166 requiring publication of pending zoning applications, the town clerk is directed to notify by U.S. mail, postage paid, all persons owning property within one thousand (1,000) feet of the exterior boundary of property for which a rezoning, variance, or special permit is pending. The mailing of such notices shall constitute service. All notices shall be sent to the owners as set forth on the latest Broward County tax rolls. For town-initiated rezonings involving a parcel or parcels of land of more than ten (10) contiguous acres in area where the mailing would exceed two thousand (2,000) notices, the mailing services requirement herein shall be deemed met if the clerk retains a bulk mailing service to perform the mailing, and delivers instructions to the service to send the notices. In the event the notification area extends beyond the town limits, notification of each property owner is not required; however, notification of the appropriate governing body shall be made.~~ 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

DRAFT

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 feet (300). 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.

Article XI. Development Review Procedures.

Article XII. Subdivisions and Site Plans

Sec. 12-372. Site plan submission requirements.

(A)

An application for site plan review shall be filed with the development services department. 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 for site plan approval. All signatures are to be notarized.

(B)

The applicant shall submit twelve (12) copies of the site plan, the overall size of which shall be twenty-four inches by thirty-six inches (24" x 36"), drawn at a scale no smaller than one inch equals forty feet (1" = 40'), except when a smaller scale is approved by the development services department.

(C)

All site plans submitted for consideration shall:

(1)

Have the proper zoning classification for the proposed development;

(2)

Be submitted with the following:

(a)

Two (2) topographic surveys;

(b)

One (1) tree survey and;

(c)

DRAFT

Three (3) copies of a recorded plat. The plat shall be recorded in the official records of Broward County after June 4, 1953, with the following exceptions:

1.

The town by agreement may allow building permits to be issued after plat approval and before recordation, provided no certificate of occupancy is issued prior to recordation.

2.

Site grading, dredging and filling, and infrastructure construction incidental to new construction shall not require a recorded plat, provided the plat has been reviewed and approved by the town council, and Broward County Commission.

(3)

An application for site plan review shall be filed with the development services department. 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 for site plan approval. All signatures are to be notarized. The application shall also include a completed citizen participation plan and a citizen participation report.

(D)

Each site plan shall be accompanied by a site plan fee as set by the town council by means of a resolution enacted by a majority of the town council, at a public hearing, with proper legal advertising.

(E)

All site plans shall contain all of the information required by applicable laws and ordinances governing the approval of subdivisions, and, in addition, shall show the following and any other information deemed necessary:

(1)

The proposed title of the project and the name of the engineer, architect or landscape architect, and the developer;

(2)

The north point, scale and date;

(3)

Existing zoning;

(4)

Proposed changes in zoning to the applicant property, if any;

(5)

Adjacent land uses;

(6)

DRAFT

- (7) Legal description;
 - (8) Location sketch;
 - (9) Site boundaries clearly identified, dimensioned and tied to section corners;
 - (10) Existing features (trees, water, structures) including topography, roadways, and land use areas;
 - (11) All rights-of-way, dedications, easements and property lines, existing streets, building, watercourses, waterways or lakes, and other existing physical features in or adjoining the project;
 - (12) The location and dimensions of proposed setback lines;
 - (13) The location and dimensions of proposed reservations for parks, playgrounds, open spaces and other common areas;
 - (14) The location, dimensions and character of construction, including bearings, centerline dimensions and curve data of proposed street, alleys, driveways and grading plans;
 - (15) The location, dimensions and character of construction of proposed curb cuts, entrances and exits, loading areas (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities;
 - (16) Location and dimensions of all proposed buildings, excavations, and structures to lot lines and to each other;
 - (17) Paving and drainage plans; direction and amount of drainage flow;
 - (18) Typical trash and garbage disposal system, as well as recycling system, including typical enclosure details and the location of each;
- Separate landscape plan indicating chosen landscaping options, bufferyard standards, and required opacity levels; type of irrigation; xeriscaping techniques pursuant to [section 12-108](#) of the Landscaping Code; botanical and common names of materials. Indicate required and provided materials. Include all wall, fence, and tree staking details. Landscaping plan should reflect all easements including utility, drainage, etc., all trail locations, all above ground utilities or drainage features, etc.

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- (19) Location, character, size and height and orientation of proposed signs;
- (20) All pedestrian walkways and sidewalks;
- (21) Building and site elevations;
- (22) Type and location of mail receptacles;
- (23) Sewer and water plans, which shall indicate the location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in or near the project;
- (24) The following computations:
 - (a) Total acreage;
 - (b) Proposed density;
 - (c) Vehicular open space (roadways, aisles, parking);
 - (d) Recreational open space;
 - (e) Passive open space;
 - (f) Plot coverage by land use areas;
- (25) A tabulation of the total number of dwelling units of various types on the project, lot area per dwelling unit, gross or net as required by district regulations, square footage of dwelling units, or square footage of business, commercial and industrial structure;
- (26) Base site area and natural resource calculations as applicable.
- (27) In the open space design overlay, the following shall be submitted in addition to the requirements as stated above:
 - a) *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

DRAFT

zoning districts 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.

b)

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.

c)

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.

i)

Step One: Identifying Conservation Areas. Identify preservation lands by two 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.

ii)

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.

iii)

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 exiting and/or potential future streets, sidewalks, and trails.

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iv)

Step Four: Lot Lines. Draw in the lot lines.

(F)

The site development plan shall conform to all applicable provisions of the zoning ordinance and shall, in addition thereto, provide such a design and arrangement of pertinent features and elements of the development and use of plot as to:

(1)

Protect and minimize any undesirable effects upon contiguous and nearby residential property;

(2)

Provide sufficient off-street parking and loading facilities so that use of streets in the vicinity for this purpose will not be necessary;

(3)

Provide sufficient setbacks and yard spaces adjacent to streets and to residentially zoned property, with adequate landscaping in such yard and setback areas in order to protect the appearance and character of the neighborhood;

(4)

Provide sufficient walls, fences, enclosures and/or hedges to prevent or minimize effects of noise, glare, odors, smoke and/or soot upon surrounding property.

Sec. 12-379.

Master planned development submission requirements.

(A)

An application for master planned development review shall be filed with the development services department. A master planned development application shall include the following:

(1)

Boundary survey.

(2)

Tree survey indicating existing vegetation and any other natural features within the development.

(3)

Proposed parcel divisions within the master planned development.

(4)

General schematic representation of the land uses included within the development.

(5)

Entrance feature, if any, and perimeter landscaping schematic design.

(6)

Proposed building location, maximum heights, floor area and setbacks.

(7)

DRAFT

- (8) Delineation of internal circulation, including streets and pedestrian access.
- (9) Points of connection of the local streets to the trafficways, including general indication of the necessary improvements to the trafficways to accommodate the local trips generated by the development.
- (10) General location and size of any community facility included within the development such as parks, schools, fire stations, community centers, etc.
- (11) Site data table showing proposed uses, acreage, and number of units and density in the case of residential uses, and any other information deemed necessary by the development services department.
- (12) Schematic depiction of surface water management elements, including retention facilities, drainage easements and swales.
- (13) Schematic depiction of the water and wastewater treatment facilities and/or source of public water and wastewater disposal facilities; general distribution and collection plans within the development, including easements for utility pipelines.
- (14) Survey detailing surrounding features, both natural and manmade, within a five hundred (500) foot radius on all sides of the site.
- (15) Elevations of one or more of the buildings, renderings, building materials, and building colors shall be provided on a material presentation board no greater than twenty-four (24) inches by thirty-six (36) inches. In addition, architectural parameters shall be established at this time, through a master architectural package, providing at a minimum, colors, building materials, roof materials, and facade details, to ensure architectural cohesion for all buildings.
- (16) Traffic study indicating the impact the proposed development may have upon the existing roadway network. At a minimum the following shall be provided; trip generation, trip assignment, and trip distribution. Additional information shall be determined based upon the size and scale of the development at the discretion of the development services director.
- (17) Master signage plan indicating all monument, wall, directional prototype signs including color, height, material, letter style, and method of illumination.

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Irrigation plan indicating that all irrigation shall be commonly controlled as set forth in the restrictive covenant.

(18)

The application shall also include a completed citizen participation plan and a citizen participation report.

(B)

Architectural review criteria. The master development plan shall be evaluated for architectural consistency and harmony with the existing and approved developments in the surrounding area. Buildings proposed for the master development plan shall have common architectural elements to ensure a unified and cohesive design. Any exterior changes to an individual building within a master planned development shall also be consistent with the remainder of the entire development. The degree of the proposed facade change may require that the other building facades within the master planned development be redesigned.

Article XIII. Special Planning Areas and Districts.

- Division 1. Western Theme District
- Division 2. Eastside Neighborhood Special Zoning District
- Division 3. Community Redevelopment
- Division 4. Safe Neighborhood Districts
- Division 5. United Ranches Special Zoning District.
- Division 6. Thematic Historic District
- Division 7. (Reserved)
- Division 8. Community Business Center District
- Division 9. Planned Truck Stop District
- Division 10. Griffin Road Corridor District
- Division 11. Regional Activity Center-Academical Village District
- Division 12. Regional Activity Center

Article XIV. Definitions.

Sec. 12-503. Definitions.

School K-12 shall mean public, private or parochial schools for kindergarten through the 12th grade.

Adult Education, public or non-profit shall mean any educational facility governed by Chapter 1004, Florida Statutes, or any technical school, trade school, college or university governed by Chapter 1005, Florida Statutes, operated as a 501(c)3 non-profit organization.

Adult Education, private shall mean any for-profit educational facility, including but not limited to technical and trade schools, colleges and universities, specifically excluding K-12 schools.

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